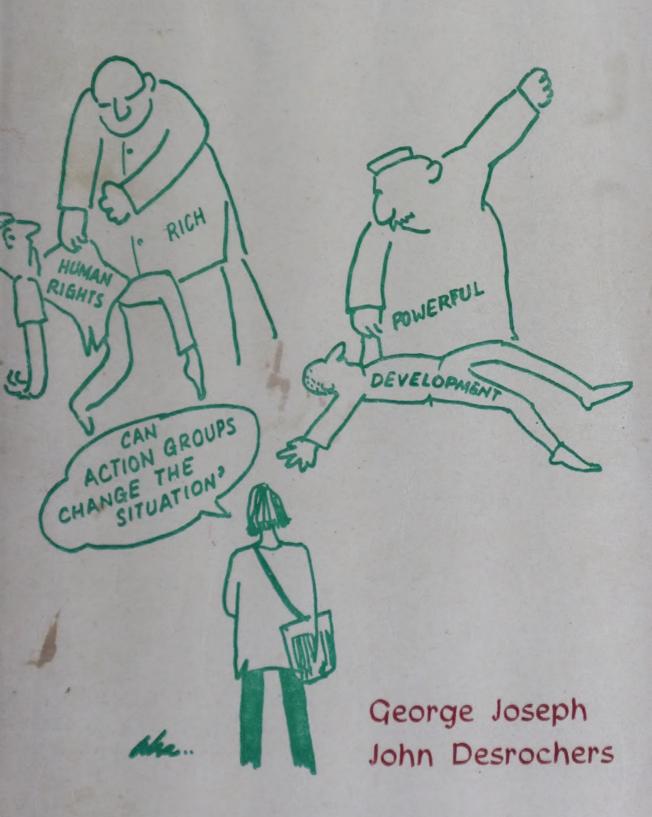
DEVELOPMENT, HUMAN RIGHTS AND ACTION GROUPS



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DEVELOPMENT, HUMAN RIGHTS AND ACTION GROUPS

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ABBREVIATIONS

AGs Action Groups

CD Community Development

CDP Community Development Programme

EPW Economic and Political Weekly

FYP Five Year Plan

GOI Government of India

IE Indian Express

IRDP Integrated Rural Development Programme

MNP Minimum Needs Programme

MR The Marxist Review

NES National Extension Service

NGOs Non-Governmental Organisations

NPPFs Non-Party Political Formations

PIL Public Interest Litigation

PUCL People's Union for Civil Liberties

PUDR People's Union for Democratic Rights

RS Religion and Society

SC Supreme Court

SPAGs Semi-Political Action Groups

TAGs Transformative Action Groups

UN United Nations

VAs Voluntary Agencies

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Introduction

We began writing this action-oriented booklet with the title "Development Work and Social Justice". Two practical questions were then foremost in our minds: i) What development efforts are relevant in India today? and ii) How to work for social justice in our country today? In other words, what can be done in these two interrelated fields? Our study however led us to divide this booklet into three parts and to entitle it "Development, Human Rights and Action Groups". The content has thus become much more meaningful than originally planned!

The first part, "Development", takes stock of the development experience of our Government. It is a well known fact that India's CDP has ended up in almost a total failure. Yet, it is worthwhile to analyse what has gone wrong and to repeat certain historical lessons in order to understand better, in the second part, what has to be done... Our search for possibilities of relevant action brought up the important question of AGs. The second part, entitled "Action Groups", describes the main characteristics of meaningful development programmes and thus provides useful guidelines for their organisation. This section however goes much further and constitutes an excellent introduction to the current debate on AGs. Besides its brief treatment of welfare and political groups, part two indeed links development with the conscientisation and organisation of people and deals at length with SPAGs/NPPFs and TAGs. In short, it classifies and assesses the various types of AGs—with their respective potential and limitations—and discusses their future.

Our "social justice" study similarly led to the current debate on "Human Rights"—the new title of part three. This section successively considers the historical evolution of the understanding of human rights in the world—the liberal, socialist and Third World concepts—, the Indian experience and debate, and the possibilities of relevant action in our country. While answering our original question on social justice and giving additional information on TAGs, part three thus throws light on the key question of human rights. The "Appendices" add some useful material. Three of them are of greater interest to Christian readers: "The Church and Action Groups", "The Church and Human Rights"

and "To Hunger and Thirst for Justice". The others are of a more general nature: a questionnaire on the culturo-religious roots of human rights, an enumeration/description of human rights, and some extracts from a seminar statement on "Law as an Instrument of social Change".

With this booklet, the CSA series continues to provide up-to-date information and to guide various groups and individuals in their reflection and action on important issues. We hope that the following pages will help our readers to reflect on their own involvement and to assist those who are engaged in AGs as well as in development and human rights struggles. May this booklet enable many individuals and groups to assess their action, rethink their priorities and thus become more effective!

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I. Development

George Joseph

The Concept of Development

The "what" and "How" of development continue to be major questions facing both the economically poor and the affluent nations of the world today. Some still measure development merely in economic terms—more income, improved technology, better yield, etc.-, while others add various social indicators to this list-better services, improved health, relevant education, etc. The newly independent nations in the 1950s and the UN development decade of the 1960s believed that development could. be achieved by substantially increasing the growth rate. They believed that increase in national income, if faster than population growth, would bring about social and economic development. In practice, however, the resulting emphases and policies led to an increase of poverty, inequalities, illiteracy and unemployment. This made the leaders realise that improvement in the growth rate without set targets to eliminate poverty, unemployment and inequalities, would not bring about development.

In the 50s and 60s, development was primarily undertaken by governments; it was a task that developing nations took upon themselves. Politicians, economists, planners and bureaucrats shared the responsibilities of planning and implementing development programmes. But their schemes mainly served their own interests and projected the ideology of the state. Though so many projects were undertaken—more food gnown, more employment offered, more medicine distributed, more wells dug, more schools constructed—the number of the hungry, unemployed, houseless and illiterate continued to increase. These experiences also resulted in an increase of disparities and made people question the very concept of development.

Development, therefore, is no more viewed simply as a process of economic growth. "It is now widely recognised that development means a transformation of economic and social structure, including changes in production and demand, as well as improvements in income distribution and employment." Development is moreover viewed as people. It is not only people having more but people being more: more just, more concerned, more cooperative, more sharing and thus more human. Development is people involved in transforming themselves and in transforming the structures that dehumanise and oppress them, so that they can have more and be more. It is, in otherwords, people regaining control over their lives and destiny.

The Asian Regional Workshop on "Peoples' Participation in Development" defines development as "an integrated process with economic, social, political, cultural and moral aspects,... a process of liberation of people from age-old traditions and from the exploitation systems of society,... a continuing and universal process affecting all aspects of human life and all parts of society."2 For Kishore Saint, people-based development is "the self-conscious, self-planned, self-reliant and sustainable progress of a community in all aspects of its life functions and relations which leads it towards a more human existence in terms of the fullest flowering of the potentialities of all its members and in terms of contribution towards cultural enrichment, peace and a viable future for all mankind."3 The participants of the Algiers International Symposium on the New International Economic Order similarly view development as "a process of profound structural change in the economic, political, social and cultural fields brought about by the people and for the people, through mass participation and for the benefit of the masses... the purpose of (which) is to develop people, not to accumulate things."4

What has been said so far brings forth two essential characteristics of development. First, development is much more than economic growth. Economic progress alone fails to abolish poverty and leads to greater inequalities. Development should

1. Sharma, p. 169.

^{2. &}quot;Peoples'...", vol. 1, p. 23. On this, see also Fernandes, pp. xiii-xxxviii.

^{3.} In Fernandes, p. 7.

^{4.} Cyclostyled paper, reprint from Satyodaya, Kandy, Sri Lanka, p. 1.

not only what the state does, for the beneficiaries of such efforts are usually people in power. Genuine development should start with people: their education, organisation and discipline. It should make people aware of the root causes of their exploitation and poverty; help them analyse the structures that oppress them; make them conscious of their collective strength; and instill in them a new vision and hope that can inspire them to build alternative structures to promote authentic values and thus humanise society. In the economic field, development should aim at attaining a decent economic standard and an equitable distribution of resources; in the social field, at working for better standards in health and education as well as for the abolition of discrimination; and in the political field, for participation in decisions that affect people's lives.

"Development,... in order to be authentic,... has to promote the good of every man and of the whole man." It should show as much concern for social progress, participation and self-reliance as for economic growth.5 Development is a process which begins with people and requires their active and conscious involvement. Man should be the entire purpose and goal of development, not its means. Although concerned with all sections of society, development must start with, and focus on, the poor and the oppressed, for they are the main architects of a new society. It is indeed the poor and the oppressed who have to break the chains that binds them, the locks that imprison them, and to overcome the hurdles that block them. They have to do it collectively by analysing their own realities. Through their active involvement in planning and execution, they must tackle injustices, gain their rights and change their conditions. People's education and organisation therefore assumes great importance in development. It is people who should animate the development process! Development agencies and workers can only be facilitators.6

^{5.} Paul VI, "Populorum Progressio", as quoted by Desrochers J. in "The Social Teaching of the Church", Bangalore, 1982, pp. 177-8.

^{6.} For details, see Fernandes and Desrochers ("The Development Debate"). The last book makes a rather detailed study of the capitalist, welfare, modernisation, institutional/social justice and socialist approaches to development.

The Historical Background

Community Development (CD) grew out of the experiences of various governments. In 1948, the Cambridge Summer Conference defined CD as "a movement designed to promote better living for the whole community, with the active participation and if possible on the initiative of the community."7 Though the use of the term greatly varies, CD is recognised as "a process of social action in which the people of a community organise themselves in planning and action; define their common and individual needs and problems; make group and individual plans to meet their needs and solve their problems, execute these plans with a maximum reliance upon community resources and supplement these resources where necessary with service and material from governmental and non-governmental agencies outside the community."8 According to the UN Economic and Social Council, CD denotes " the process by which the efforts of the people themselves are united with those of governmental authorities to improve the economic and social and cultural conditions of the communities, to integrate these communities into the life of the nation and to enable them to contribute fully to national progress."9

The broad features of CD emerge from the above definitions:
i) a process of change aiming at the all-round development of communities; ii) a programme carried out with the participation and even initiative of the community; iii) provision of material and technical assistance by government and /or voluntary agencies; iv) combined efforts of the community and these agencies; and v) establishment of organisations to promote, sustain and coordinate these efforts.

In practice, however, these essential features are too often neglected. CD becomes a programme for the people rather than of the people and projects are based on the government/voluntary agencies' understanding of people's needs. Communities are seldom given the primary responsibility for their development. Awareness is restricted to providing information that will satisfy

^{7.} See for example Dak (p. 167), Mukerji B. ("CD in India", Orient Longmans, Delhi, 1961, p. 1), and Singh (p. 22).

^{8.} Definition of the International Cooperation Administration, quoted by Singh, p. 30 note 12.

^{9.} Quoted by Singh, p. 22.

assumed needs. Generally, the information thus given is technical and sectoral. Motivation is understood as getting the people to act on the basis of such information. The approach is paternalistic, for an outsider claims to know and offers what is best for the community. Certain values of the change agent are imposed without proper understanding. In short, the actual working of CD often tends to reinforce dependency and even inequality/injustices within the community. 10 As we shall see, a critical evaluation of India's experience gives ample proof of this.



People's Participation!

The Antecedents

The central objective of planning in India at the time of independence was to initiate a process of development to raise living standards and to open out to the people new opportunities for richer and more varied life. CD was envisaged as the method, and rural extension as the agency, for transforming the villages. 11 During the independence struggle, our leaders had repeatedly pledged to the people that, with independence, the new government would mobilise and direct the resources of the country towards

^{10.} For more details, see "Peoples'...", vol. 1, p. 17, and Fernandes, pp. 1-26.

^{11.} FYP I, GOL, pp. 7 & 223.

removing poverty. The CDP was in a sense the fulfilment of this pledge,12

The roots of the CDP in India can be traced to some experiments and pilot schemes undertaken by various persons, and also by government departments, before and immediately after independence.13 Prior to independence, Gandhi had, through Sevagram and his constructive programmes, focussed the country's attention on the plight of village people. He created a group of selfless workers deeply dedicatd to the poorest villagers. The Sriniketan experiment of Ravindranath Tagore, carried out with the assistance of Leonard Elmhirst, was a programme for the allround development of the villagers of his zamindari. The objectives were to study rural problems and to help villagers to develop agriculture, improve livestock, form cooperatives, better sanitation, etc. At Martandam, Dr. Spencer Hatch worked with about a hundred village associations of the YMCA to eliminate poverty through self-help and expert counsel. A demonstration centre also offered training for volunteers and extension services.

Several other pioneering projects were behind India's attempt at organising the CDP at the national level: the rural reconstruction scheme of F.L. Brayne at Gurgaon, the first preindependence programme launched by the government with the objective of motivating people to develop themselves and their villages; the Firka development scheme in Madras state to establish "Gram Samais" through local initiative and resources; the Nilokheri experiment at refugee rehabilitation through cooperative working and living; a similar experiment in Faridabad; the Etawah pilot project; etc. The 1952 report of the Grow More Food Enquiry Committee under the Chairmanship of V.T. Krishnamachari had also much to do with the CDP. This report stressed the need for an integral, rather than sectoral, approach.14 Before the CDP was initiated, the central and state governments organised an experimental rural development programme with the assistance of the Ford Foundation. Under this scheme, fifteen pilot extension projects of 100 villages each and five training cen-

^{12. &}quot;A Guide to CD", GOI, 1967 edition, p. 1.

^{13.} For this and the next paragraph, see for example Singh (pp. 31-9) and "Evolution of CDP in India", GOI, 1968 revised edition.

^{14.} For extracts, see V.T. Krishnamachari, "CD in India", GOI, 1962 ed., pp. 170-85.

tres for village-level workers were set up. In their brief life-span of 2½ years, these pilot projects provided much useful information on rural development.

The Main Stages

The CDP was officially launched on October 2, 1952. Each of its 55 community projects then covered about 1,300 sq. kms, 3 development blocks, 300 villages and 200,000 persons. Each development block was sub-divided into units of 5 villages served by a multi-purpose village-level worker. "The main objectives of the programme were: a) area development—with a minimum allround progress; b) self-help programme—people's participation being the essential feature; and c) development of the whole community with special emphasis on the weaker and the underprivileged sections". 15 The programme was to include all aspects of rural life, such as agriculture, communications, education, health, cottage, medium and small-scale industries, housing, cooperatives and panchayats. It was expected that the people would be responsible for their own development and that the government would only provide technical assistance and necessary funds for a three-year period.

The actual execution of the CDP was to be the responsibility of the state governments. At that level, the programme was controlled by the development commissioner who worked in close coordination with other technical departments. At the district level, the deputy commissioner was assisted by various development officers. In order to promote multi-sided development, the working of different departments was integrated and coordinated by a block development officer assisted by specialists in various fields like agriculture, animal husbandry, nutrition, education, health care, etc.

Under this scheme, each block remained in the intensive development phase for three years and then passed into the post-intensive or normalised phase. A less intensive programme of NES was introduced in October 1955 for a more rapid coverage of the country with basic staff and essential services. After the 3-year NES phase, each block followed the intensive and post-intensive phases. In 1957, the Mehta committee revised the scheme

^{15. &}quot;Evolution...", op. cit., p. 99.

and divided the programme into two stages of five years each. 16 The first stage was to develop panchayats and foster people's participation. In the second stage, the emphasis was more on community development than on any other programme. Since 1958, a community development block covers about 400-500 sq. kms. 100 villages and 100,000 persons. A three-tier structure of panchayati raj—village panchayat, panchayat samiti and zilla parishad—was introduced in 1959. The panchayat, the cooperative and the village school were to be the basic institutions for carrying out the CDP. By January, 1965, the entire country had been covered by 5237 blocks, which were redelimited into 5028 in 1977 and 5005 in 1978.

The CDP underwent several important changes in its evolution. The first 55 community projects had picked out the best and most favourable areas for intensive agricultural development. The 1955 decision for all-India coverage brought about a thin distribution of scarce resources throughout the country, Influenced by World Bank and American experts, the government of India adopted in 1965 the high-yielding varieties as the core of its new agricultural strategy and reverted to a concentration of resources. The Ministry of CD ceased to have an independent existence in 1966. The post-1966 economic constraints moreover sharply af. fected the CDP, which found it very difficult to undertake new ventures. Perhaps still more importantly, the retrenchment of funds severely compromised the experiment in democratic decentralisation through panchayati raj institutions. In fact, these bodies never received enough finances to make much progress.17 The economic policies of the government led to growing disparities and, partly in answer to the people's increasing dissatisfaction. the government came out with several special programmes for backward areas and weaker sections in the 1970s. Major changes were moreover made with the redesignation of CD as a depart. ment of rural development in 1978 and the introduction of the IRDP in 1978-79. Let us now study in depth the evolution of the CDP.

¹⁶ FYP III, GOI, p. 333.

^{17.} For this paragraph, see Frankel, especially pp. 101-2, 105, 274-7.
292 & 314-6. The author remarks that, even in the first three FYPs, the CDP budget which "provided an annual per capita expenditure of about Rs 4 could not be expected to have a significant impact on growth" (p. 188).

FYP I provided a wide network of CD and NE blocks to inculcate in people a spirit of cooperative efforts based on local felt needs. The CDP and NES were considered essential for the well-being of every rural family and for securing and coordinating a balanced all-round development of village life. The very essence of the programme was the involvement of people in planning and execution through project advisory committees. The plan budgeted Rs 90 Cr for community projects and proposed the establishment of a network of extension workers throughout the country within a period of ten years. As already mentioned, 55 projects were taken up. One of the basic conditions for the selection of these centres was the potential for increasing agricultural production, especially irrigation facilities or assured rainfall. Six projects to resettle displaced persons in West Bengal and Punjab and seven projects to help scheduled tribes were also chosen. The following programmes were undertaken to change the rural economy: intensive development of agriculture, extension of irrigation, rural electrification and the reviva! of village industries and cooperatives. By the end of FYP I, there were about 1075 stage I blocks.

The third Evaluation Report on CDP and NES drew attention to the following points: i) the need for strengthening various technical departments at all levels, and ii) for the expansion of research facilities in general, and of units near the field in particular for a better flow of information from the field to the research unit; iii) unsatisfactory working of dual control of specialists by technical officers at the district level and the block development officer at the block level; iv) construction activities taking an increasing proportion of the time of the village-level worker at the expense of agricultural production; v) absence of constant guidance and active assistance to village panchayats to discharge their increasing responsibilities; and vi) excessive emphasis on physical and financial accomplishments and not enough on educating the people into new ways of doing things. The

^{18.} For more details on CD under the plans, see FYP I, pp. 223-33, FYP II, pp. 235-45, FYP III, pp. 332-43, FYP IV, pp. 227-30. Draft FYP V, vol. 2, pp. 85-93, and FYP VI, pp. 167-85.

report also pointed out that the people readily played their part when the administration had a correct approach.19

CDP and NES were therefore areas of intensive and coordinated efforts during FYP II. A decision to serve the entire country with NES and to convert not less than 40% of the NE blocks into CD blocks during FYP II was also made by the National Development Council at its 1955 meeting. As a result, 3,800 new blocks were taken up under the NES scheme and 1,120 of these were converted into CD blocks. This required about 200,000 additional workers. 61 extension training centres and 95 agricultural schools or wings were therefore started to impart basic agricultural training. The plan budgeted Rs 200 Cr for these schemes.

In the course of FYP II, three other important changes occurred in the CDP. First, a single CD scheme was adopted in 1957 and spread over two stages of five years each. 20 The second major development concerned the introduction of panchayati raj. FYP II visualised a well organised democratic structure of administration in which the village panchayat would be organically linked with popular organisations at higher levels. Pending further study, the plan offered interim proposals for setting up district development councils and block development committees. A third aspect was the proposal of using the block and the district as units of planning. Although efforts were made in several states to prepare block plans specially in agriculture, the state plans were however prepared independently. 21

At the beginning of FYP III, the CDP served over 3,100 development blocks comprising about 370,000 villages. The plan foresaw a total outlay of Rs 294 Cr for CDP, in addition to Rs 28 Cr for panchayats. By this time, the concept of rural extension had broadened into that of panchayat raj. This meant the establishment of a set of interconnected institutions at the village, block and district levels in which people's representatives in cooperatives, village panchayats, panchayat samitis and zilla parishads

^{19.} FYP II, pp. 238-9.

^{20.} Till then, every block was first taken up in the NES for one to two years. Afterwards, a proportion of these projects became part of the CDP. The two schemes were thus regarded as related phases of the same programme.

^{21.} FYP III, pp. 332-3.

functioned with the support and assistance of the various development agencies of the government. One of the principal tasks of FYP III was to ensure the growth and efficiency of these institutions so as to enable each area to realise its maximum development potential on the basis of self-help, cooperative efforts and effective use of local resources and personnel. The concept of "Gramodaya" (overall village development) was introduced during this period and CDP was treated as the basic means for implementing it.

At the end of FYP III, CDP covered the whole country through 5,265 blocks, of which 489 were tribal blocks, 999 in stage I, 2,585 in stage II and the rest had completed both stages. Government assistance consisted of a budget grant for the block and a team of extension workers under a development officer. Agricultural development occupied the foremost position. The three-tier panchayati raj system, together with its modifications in different states, formed the pattern of local development administration and welded together panchayati raj and CD as recommended by the Mehta committee.

The working of the programme however taught some important lessons. First, the expectation that, after ten years, "there would be adequate mobilisation of resources by the local institutions and sufficient channelling of other plan funds to make any separate provision for the blocks unnecessary", was belied. "By and large, the programme continued to be dependent on the government initiative and even more so on government funds. Where funds were lacking, activities languished and the staff remained almost supernumerary. Where, however, administrative and financial support has been forthcoming, the combined contribution of panchayati raj and CD has been significant in the formulation and implementation of local development plans."22

Second, the basic concept of creating local agencies responsible for discharging selected development functions was not followed. Instead, the status quo had been maintained in many states. Elections to local institutions were not regularly held either. Grants provided by state governments continued to decrease and the only exclusive source of revenue for the panchayats was cess or surcharge on land revenue. Even in this regard, the states of

^{22.} FYP IV, pp. 228-9.

Tamilnadu, Madhya Pradesh, Haryana and Kerala accounted for 89% of the total effort.

The 1969-84 Period23

In FYP IV, CD was closely lined up with the economic development of the country. It was decided that CD would be organised and implemented so as to become self-reliant and locally rooted. A plan was made to involve the small and marginal farmers and the agricultural labourers in the process of development and to help them share its benefits. Such a decision was taken in response to the growing criticism that the benefits of economic progress were not reaching the poor, but were cornered by those better endowed in terms of land resources.24 In pursuance of this objective, the plan provided for two sets of projects, namely, projects for small but potentially viable farmers and projects for marginal farmers and agricultural labourers (SFDA/MFAL).25 The small farmers were taken to be those who, with the help of irrigation, credit, supplies, marketing and modern technology, could be made viable. A limit of one to three hectares of land holding was generally adopted in identifying such farmers. Farmers with land holdings below this limit were categorised as marginal farmers and households who derive more than 50% of their income from agricultural wages were classified as agricultural labourers.

SFDA/MFAL were set up as corporate bodies utilising existing institutions, wherever possible, and creating new ones, wherever necessary. The chief functions of the agencies were to identify the target groups, study their problems, draw up suitable programmes for them, locate institutional support, arrange extension services and provide supervision. Although the programme was initiated in 1969, most of the projects began working only in 1971-72. An outlay of Rs 103 Cr was earmarked for SFDA/MFAL programmes and Rs 12 Cr for special projects taken up in predominantly tribal areas.

Another programme was initiated in 1971-72 with a budget

^{23.} For brief presentations of the new programmes of this period, see also "India 1983", GOI, pp. 267-79, and "Manorama Year Book 1984", Manorama Publishing House, Kottayam, pp. 486-8.

^{24.} On this, see FYP VI, p. 167, and "India 1983", op. cit., p. 267.

^{25.} The MFAL was fused into the SFDA during 1974-75.

of Rs 100 Cr to generate employment through rural work, especially in areas chronically affected by drought. As it was realised that this would not mitigate drought, an area development approach was adopted and the scheme was redesignated as *Drought Prone Areas Programme* (DPAP) at the mid-term appraisal of FYP IV. During the same period, a crash scheme for rural employment was also taken up as a non-plan programme with a provision of Rs 50 Cr. Besides, another scheme for tribals was conceived along SFDA lines.

The Minimum Needs Programme (MNP) was introduced in FYP V to provide a minimum level of social consumption to the weaker sections.²⁶ Though proposed and slowly begun in 1976-77, the IRDP was launched on a big scale, that is, 2,300 blocks, in 1978-79. The department of Rural Reconstruction moreover became a separate ministry in August 1979 with the task of coordinating all rural schemes into the IRDP.27 In essence, the IRDP integrated various development programmes for the maximum utilisation of the community resources to meet local needs. IRDP was specially focussed on target groups, comprising small and marginal farmers, agricultural labourers and rural artisans. The approaches of the ongoing programmes-SFDA, DPAP, Command Area Development (CAD), Desert Development Programme (DDP), etc.—were proposed to be utilised in the IRDP to achieve the twin objectives of generating employment and increasing production.

The special programmes initiated in FYP IV were thus continued in FYP V. A provision of Rs 200 Cr was made available for 160 SFDA/MFAL projects. Making requisite operational improvements, limiting each project to one district and emphasis on crop husbandry were given priorities. A combination of programmes for irrigated/rain-fed agriculture and dry farming formed the core of the projects. The special scheme for tribals along SFDA lines was also continued. The main thrust of the DPAP was to restore a proper ecological balance in the covered areas. A Food for Work Programme was started in 1977-78 to provide work opportunities for the rural poor particularly in slack employment periods. Besides, the MNP included massive schemes for rural roads, drinking water supply, elementary education,

^{26.} For details, see Draft FYP V, pp. 87-91, and FYP VI, pp. 222-7. 27. On the IRDP, see FYP VI, pp. 168-72, and "India 1983", pp. 268-70.

primary health care, etc. An outlay of Rs 128 Cr was also set aside for CD and panchayati raj. With these measures, FYP V hoped to substantially raise the per capita monthly consumption of the lowest 30% of the rural population.

The major thrust of FYP VI lies in strengthening the socioeconomic infrastructure of development in rural areas, alleviating poverty and reducing regional disparities. The IRDP has been made a component of the revised 20-point programme in order to achieve these goals. Local institutions are also to be involved in planning and executing IRDP and MNP programmes. The outlay for various panchayati raj and CD schemes is Rs 7.12 Cr in the central sector and Rs 344.9 Cr in the states/Union Territories sector. Besides, IRDP has a plan outlay of Rs 1,500 Cr to be shared equally by the centre and the states. Credit to the tune of Rs 3,000 Cr is also to be mobilised for IRDP programmes. On October 2, 1980, the SFDA was merged with IRDP, which was extended to all the 5,011 blocks of the country. And the National Rural Employment Programme (NREP) replaced the Food for Work Programme. "Briefly stated, IRDP aims at bringing 15 million rural families above the poverty line by 1985, (at the rate of 600 families per block per year) through suitable income-generating schemes in sectors like agriculture, animal husbandry, dairying, fisheries, khadi, village and cottage industries, artisans' crafts, small business and services."28

A Critical Appraisal

The major goal of state Policy since independence has been the attainment of rapid economic growth accompanied by reduction in inequalities.29 As already pointed out, CDP and NES were designed to transform the social and economic life of the villages and to improve their living standards. The government

^{28 &}quot;Manorama...", op. cit., p. 487. "India 1983" adds: "Against the annual target of covering 30 lakh families, the actual coverage of families was 27.83 lakh in 1980-81 and 28.29 lakh in 1981-82. In 1980-81, the subsidy level for the average beneficiary was Rs 561 and credit Rs 850." In 1981-82, these figures respectively went up to Rs 928 and 1,713 (p. 270).

^{29.} For references, see FYP documents, especially FYP I, pp. 5-11, FYP II, pp. 22 & 235, FYP III, p. 5, FYP IV, p. 4, Draft FYP V, vol. 1, p. 1, and FYP VI, p. 1.

efforts undoubtedly led to a quicker adoption of technological advances and the creation of the physical and institutional infrastructure required for socio-economic development in rural areas. Yet, the major benefits of these programmes were monopolised by the land-owning castes and classes, thus resulting in further increase in inequalities.

Several studies were conducted to evaluate India's CDP.30 As a whole, these studies point out that the programme has been an almost total failure. Available evidence indeed shows that the CDP has failed not only to increase agricultural production but also, and more miserably, to overcome the severe economic and social disparities prevailing in rural India. And this, to a great extent, holds good for the special programmes of the last decade for backward areas and weaker sections.

The failure of the CDP to remove rural poverty is even admitted by our planners. 31 Evaluation reports drew attention to the fact that the programme did not provide adequately for the less privileged sections of the village community. 32 Even with their professed bias towards the weaker sections, the massive development efforts mainly benefited the richer groups and failed to reach the poorer people. The programme also remained greatly dependent on government initiative and its activities languished when funds were not supplied. One therefore agrees with FYP VI that "the pace and the manner in which the problem of rural poverty has been dealt with so far leaves much to be desired both quantitatively and qualitatively". Only a small fraction of the rural poor have been reached and, even among them, a sizable portion had some land. "The bottom deciles of the rural poor i.e.,

^{30.} See for example Adelman, I. and Morris, C.T., "Economic Growth and Social Equity in Developing Countries", Stanford University Press, California, 1973, pp. 160-85; Dak, pp. 143-66; Desai, pp. 127-60; Dube S.C., "India's Changing Villages: Human Factor in CD", Routledge & Kegan Paul, London, 1958, pp. 15, 80-4 & 100-25; Mandelbaum D.G. in Srinivas M.N. (ed.), "India's Villages", Asia Publishing House, 1960, pp. 285-309; Myrdal, pp. 271, 870ff., 888ff, 1305, 1339-46, 1605ff, 1687ff, 1900 & 2158-9; and Singh, pp. 126-59. Dak also makes an interesting review of existing studies (pp. 3-12).

^{31.} See especially FYP II, pp. 238-40, FYP III, pp. 334-40, FYP IV, pp. 157 & 168-70, and FYP VI, pp. 167-8 & 175-9.

^{32.} FYP III, p. 160.

the landless and the rural artisans, have in most cases been left untouched."33 Let us first examine more closely the overall results of development efforts...

The Net Outcome: Unequal Development

by-passed in favour of faster economic development. The planners believed that a high growth rate was the best guarantee for eliminating poverty and redistributing incomes. There is no doubt that production increased as a result of development efforts, but there was hardly any trickling down of the benefits. On the contrary, the conventional development approach helped the better off classes, who had access to more land and better credit and marketing facilities. These classes thus became the agents of economic development. This led to further concentration of land and other means of production.

The green revolution is a typical example which well brings

The Problem

The Solution



^{33.} FYP VI, p. 169.

out the drawbacks of this development approach. High yielding varieties require greater investments in irrigation installations, chemical fertilisers and mechanisation. Only the richer farmers were able to get the necessary financial credits and the high yields and profits! The middle and small farmers gained only slight benefits, while the situation of the tenant farmers and agricultural workers generally grew worse. For mechanisation often replaced hired labour, and the tenant farmers were either turned out because the landowners now wanted to exploit their land themselves or their rents were raised out of all proportion to the improved yield.

Myrdal concludes his analysis of developmental programmes in South Asian countries, including India, with the following words: "All measures for agricultural uplift...—whether in the form of agricultural extension work and technological improvement, or cooperation and CD programs, or land reform and tenancy legislation—have thus tended to work to the advantage of the relatively wealthy. This has been so even when the measures were propagated and enacted with the intent of improving conditions for the whole agricultural population, with particular emphasis on the weaker sections. From a short-run economic point of view, some increases in agricultural output have thereby been engendered. But no diminution of social and economic inequalities... has been accomplished. Instead, the equality issue has been avoided."34

The fruits of the CDP were not indeed evenly distributed: "There is wide disparity in the distribution of the achievement and therefore of the benefits of the community project programmes. This disparity exists as between different blocks in the project areas. Within the blocks it exists as between the H.Q. villages of Gram Sevaks, the villages easily accessible to them, and the villages not so easily accessible. Within the villages, it exists as between cultivators and non-cultivators; and within the cultivating classes, it exists as between cultivators of bigger holdings and larger financial resources and those of smaller holdings and lesser financial resources."35

35. "Report of the Team for the Study of Community Projects", as quoted by Desai, p. 137.

^{34.} pp. 1367-8. For this phenomenon in India, see also Adelman & Moriss, op. cit., pp. 160-85, and Frankel, pp. 206-7.

Although the ideal of the CDP was to work for the all-round development of the entire community, its significant and best organised activities were confined to providing social amenities and agricultural extension. It is true that more people benefited from the improvement in social amenities but some facilities like roads and irrigation works were most advantageous to those who had an abundant produce to market and extensive fields to irrigate. Similarly, agricultural services were most valuable to the substantial landholders and had little to offer to the landless. On the whole, the CDP did not therefore function as a programme to supplement the lower strata's efforts at self-help, but as a device to channel governmental assistance to the not-so-poor.36

Among the benefits offered by the CDP, two main kinds can be identified: material benefits and technological/institutional improvements. With regard to moterial gains, most scholars hold that the privileged sections have benefited more from development programmes and that existing economic inequalities have conscquently increased. Analysing the impact of the programme on two UP villages. Dube estimates that "nearly 70% of its benefits went to the elite group and to the more affluent and influential agriculturists. The gains to poorer agriculturists were considerably smaller... For the economic development of this group, as well as for that of artisans and agricultural labourers, no programme was initiated by the project." According to the Govind Sahav Committee, "the whole programme tended to degenerate into a number of material benefits for a limited few." Mandelbaum voices a similar view: "The lowest castes, those who are mainly landless labourers, often gain nothing... The gap between them and the other villagers frequently widens rather than diminishes on account of development projects."37

Credit cooperative institutions, which were established to overcome financial limitations—especially those of the weaker sections—in achieving growth, also served the richer sections the most. For example, "of the credit given in 1960-61. 96% went to the cultivators and only about 4% to others. The share of

36. Myrdal, pp. 1340-1 & 1343.

^{37.} These three passages are quoted by Dak on pp. 8-9. Dube adds that "free improved seeds and chemical fertilisers in most cases were taken away by the rich and the influential people in the village".

credit obtained by cultivators shows a progressive increase with the rise in the size of holding. Only about 15% of the credit had gone to members having 5 acres or less as against 39% to those with 5.10 acres and 46% to still larger cultivators." 38 Such findings were confirmed by several studies. Practically none of the credits went to the landless labourers, or the sharecroppers, or even the small peasants as loans were generally advanced against the mortgage of land. Even when loans were given against the security of growing crops, the share-croppers and small peasants did not benefit greatly since they seldom produced much for sale. Credit societies moreover became the preserves of the upper strata, including the moneylenders who often acquired funds from them. "In case after case among the best cooperatives", Daniel Thorner, "the leadership turns out to be the trader-moneylender". In short, cooperatives have not to any significant extent served the poorer classes in Indian villages. On the contrary, they have often created greater inequalities.39

at the end of the 1970s: "While it is satisfying to note that the share of the weaker sections of the rural community has been steadily increasing... (from about 15% in 1960-61 and 29% in 1973-74) and is at present placed at over 40% of the total, this share falls short of their essential production needs. Though the small and marginal farmers are apparently getting credit in larger proportion (35%) than the land area held by them (21%),... (this) flow of cooperative credit is still inadequate. However, in case of tenants, share croppers, landless agricultural labourers and rural artisans, who are the poorest and therefore the most needy, the flow of cooperative credit in terms of percentage share has continued to range only around 3 to 5% over the years."40

To understand these statistics properly, one should be reminded that the weaker sections, who possess less than 5 acres of land, constitute about 75% of the rural households! Their percentage share of cooperative credit has almost tripled between

^{38.} GOI Report, quoted by Myrdal, p. 1388 note I.

^{39.} For details, see Myrdal, pp. 1335-9. Thorner is quoted on p. 1338.

^{40.} FYP VI. pp. 177-80. "The membership pattern of village cooperatives also reveals a similar trend. While small and marginal farmers constituted about 44% of the total membership in 1977-78, agricultural labourers and rural artisans constituted only about 10%."

1960 and 1980... Yet, 75% of the rural households still get only ... 40% of the cooperative credit and 21% of the land, while 25% get as much as 60% of the credit and 79% of the land! And the poorest 30% remain stable, that is, landless and creditless! This exemplifies how meagre are the achievements brought about by the special programmes of the 1970s...41



The poorest 30% remain stable, that is, landless and creditless!

The distribution of household consumer expenditure (Table 1) similarly shows that there has been no improvement in the conditions of the weaker sections, especially after 1965-66. There has been, and there is, a stagnation in social justice in India!42

Other studies indicate that material benefits have generally

^{41.} On land distribution, see for example Desrochers J.. "Classes in India Today", CSA, 1984, pp. 60-72. Here, the term "landless" is used in a broad sense and refers to operational holdings... The MNP has also brought about some meagre improvements in the distribution of health resources (cf. "Health Care in India", CSA, 1983, pp. 28-30 & 43-5).

^{42.} The expression is taken from E.P.W. da Costa, in "Yojana' 1984 nos 1-2, p. 38. Table I is given in FYP VI, p. 16.

TABLE I

Distribution of Household Consumer Expenditure

Category	1958-9	1961-2	1965-6	1970-1	1972-3	1977-8
RURAL						
Bottom 30%	13.1	14.7	15.1	15.4	15.4	15.0
Middle 40%	34.3	33.2	34.3	35.1	33.7	33.1
Top 30%	52.6	52.1	50.6	49.5	50.9	51.9
URBAN						
Bottom 30%	13.2	12.9	13.6	13.7	13.8	13.6
Middle 40%	31.7	31.4	31.9	31.8	31.9	32.4
Top 30%	55,1	55.7	54.5	54.5	54.3	54.0

accrued to office-holders in panchayats, panchayat samitis, cooperatives, etc. Such institutions are usually dominated by upper castes and landowners. The development funds channelled through them are often used to serve the interests of these higher groups. Lewis therefore writes that these institutions have simply become "another device for reinforcing the pattern of rural privilege." According to Gaikwad and Verma, it is indeed village influentials who received greater gains.43 Dube further points out that development workers made special efforts to work closely with "village leaders" such as the office-bearers of various institutions and the persons having contacts with politicians and officials. These leaders came to be viewed as the local agents of change. Most of them were naturally from the dominant landowning group.44 For Desai, the domination of this small upper class implies a hold not merely over the economic resources of the community, but also over its political, cultural and social life.45 The upper class thus used the CDP institutions for its own ends and strengthened itself economically and politically.

Dak's study of three Haryana villages also showed that there is a differential distribution of development benefits. Table II

^{43.} Quoted by Dak, pp. 10-1.

^{44.} op. cit., pp. 113-25. On this, see also Dak, p. 137.

^{45.} op. cit,. p. 140.

TABLE II46

Material Assistance Received by Respondents

Material Assistance (in Rs)	Respondents Number	%
No assistance	248	50.41
500 and below	25	5.08
501-1000	23 (19)	4.67
1001-2000	27	5.49
2001-5000	56	11.38
5001-10,000	57	11.59
10,001-20,000	36	7.32
20,001-30,000	16	3.25
30,000 and above	4	0.84
Total	492	100.00

indicates that material assistance was very uneven, with more than half the respondents receiving nothing. Table III moreover enables us to see at a glance how different benefit measures were distributed among higher/lower castes, classes and power groups. Higher castes received more than lower castes in every way:

TABLE III

Castes, Classes and Power Groups
& their mean Scores of Benefit Measures

Benefit Measures	C	astes	Classes Power Gr			Groups
(see note 4	7)* Higher	Lower	Higher	Lower	Higher	Lower
1.	43.18	17.84	46.50	21.94	54.70	25.82
2.	11.55	1.40	13.80	2.34	21.80	2.88
3.	61.61	30.58	64.23	36.70	63.77	. 44.01
4.	57.82	4.01	70.65		73.48	23.65
5.	71.25	20.43	75.12			45.73

^{46.} p. 74. The study was carried out in the Nilokheri block from Nov. 1, 1966 to March 31, 1973.

"material assistance by 8 times; increase in assets by 14 times; composite development benefits by 21 times; adoption of improved technology by 2 times and benefits from social amenities by 33 times... Higher castes constituting nearly 58% of the total households shared over 90% of each benefit." The distribution of benefits among classes was also not egalitarian with higher classes receiving nearly 6 times more material assistance, 9 times more asset-increase, and about 2 times more overall development benefits and benefits from technology and social amenities. The higher classes constituting nearly 43% of the total households cornered 73 to 87% of the various benefits and thereby deprived the other classes of their due share. Inequalities among power groups were similarly very high. Powerful groups got nearly 8 times more material assistance, 3 times more asset-increase, 2 times more composite development benefits and 1½ times more benefits from technology and social amenities. 23% of the households thus received about 45 to 70% of each benefit.47

Each stratification factor is thus significantly related to the distribution of development benefits. A greater influence is evidently exercised by a combination of caste, class and power. When these factors are considered individually, class was found the most influential and power came in second. Dak explains his findings as follows: "The relatively stronger relationship of class with development benefits might be that... the economic factors, which the programme generally takes into consideration in the distribution of benefits, determine the class structure also. Thus, the programme, by its very nature, has favoured the higher class. By contrast, caste and power hierarchies are not based upon such economic factors as are taken into account for distributing development benefits. Thus one's class position, unlike caste and power positions, directly affects the distribution of development benefits."48

In Dak's study. "the majority of both the respondents and the change agents considered at least four reasons accountable for the differential distribution of development benefits. They were: greater influence and approach, resourcefulness, greater access to

48. pp. 138-9.

^{47.} For these data and Table III, see especially pp. 82-3. 100-1 & 117-8. (*) The benefit measures are: (1) composite development benefit; (2) material assistance; (3) adoption of improved technology; (4) asset-increase; and (5) benefit from social amenities.

change agents, and obligation on change agents. The policy of targetization was also attributed as a reason for the phenomenon in question by a majority of the respondents. Besides these, a majority of change agents gave four more reasons: partisanship of panchayati raj and cooperative institutions, greater ability to meet policy requirements, greater desire for economic gains, and greater risk-bearing capacity."49

Can any other reason be given for the differential distribution of development benefits? How did planned efforts to improve the living standards of the weaker sections end up favouring the higher castes, classes and power groups? Let us now try to understand better the root causes of the problem...

The Root Causes of the Problem

Three major—and interconnected—reasons are advanced to explain this unequal development. The first perceives the problem as one of policy and implementation. Benefits do not flow to the poorer sections mainly because implementation is half-hearted. The absence of political commitment and strong leadership as well as the lack of a dedicated and efficient administration prevent the translation of policies into programmes. The second view traces the problem to the absence of structural changes in society. Unless society is radically restructured and productive assets more equitably distributed, the poorer sections cannot benefit from the gains of development. In the absence of such radical changes, programmes will merely serve the interests of the rich and the powerful. The third view pinpoints, as the root cause of the problem, the distribution of power in Indian society and the class character of the state.

The first reason highlights the fact that India's development policies have not been sound enough to check the inegalitarian trend and direct a larger portion of assistance towards the weaker sections. The provisions for the weaker sections have indeed been grossly inadequate. According to Dak, the outlays for the welfare of the scheduled castes and scheduled tribes, who together constituted 20.5% of the population, worked out to be only about 1%

^{49.} p. 136, cf. pp. 135-8.

^{50.} For details, see for example "Another Development", in "How" 1982, and Myrdal, p. 883.

of the total plan outlays during 1952-74. The share of the scheduled castes, who were 13.9% of the population, came to less than 0.5%. "Moreover, nearly 60% of the available funds were spent on education and 11% on the programmes of economic improvement, which implies that 13 paise per person per year were spent" for the scheduled castes. The attempts of FYPs IV and V to separate the poor from the relatively rich and to assist them through the SFDA have not either met with much success, for the benefits offered were only Rs. 6 per person per year and there has also been a tendency for these funds to be pocketed by large farmers! And one should not forget that only 160 districts and 11.2 million families have been chosen for these projects, thus leaving out 2/3 of the families!51

A direct evidence of the development policy's bias in favour of the privileged is reflected in the importance given to agriculture. According to FYP IV, "investment from the available block funds on agricultural development has over the years almost equalled the provisions for all other sectors of development taken together." Deviously, the gains of such programmes mainly accrue to the landed class and those who own little or no land hardly benefit. In the light of such facts, one can conclude with Dak: "It is, thus, evident that development policy is influenced more by the demands of the privileged sections than by those of the underprivileged ones. As such, it does not seem surprising if underprivileged sections are not benefited by development programmes to the desired extent." 53

But why have the development policies been so biased, and their implementation so half-hearted? This question brings us to the second and third reasons, which together constitute the real explanation.

Many scholars hold that the pre-existing structures are primarily responsible for the biased outcome of development programmes. According to Myrdal, it is not so much development which produces structural change, but societal structural transformation which permits effective development. When development programmes are implemented without prior or simulta-

^{51.} pp. 157-60.

^{52.} p. 229.

^{53.} pp. 159-60.

neous change in the existing socio-economic structure, the people enjoying higher status are very likely to secure a larger share of the benefits than those of lower status. Furthermore, "the promotion of social and economic equality is a pre-condition for attaining substantial long-term increases in production".54

The demands of development programmes were basically in conflict with the traditional pattern of social relations. The CDP induced people to be rational and seek change, whereas traditional structures were concerned with preserving established relations in the community. The democratic framework of panchayats and cooperatives required that people interact as equals and that the community's interests be given uppermost consideration, while traditional self-government and cooperation were based on the interaction of hierarchically arranged unequal groups. "Under these circumstances, the establishment of democratic and selfgoverning institutions to implement development programmes has simply tended to reinforce the pattern of rural privilege and intensify the conflict of interests." Most often, the power to run these institutions rested with the class that owned most of the village land. These office-bearers therefore saw to it that policies and programmes averse to their interests were not put into effect or were turned to their advantage. In such conditions, development programmes only intensified the gap between the rich and the poor. As Myrdal observed, "efforts to create the machinery for ... popular participation without changing the basic social and economic structure are essentially attempts to bypass the equality issue."55

The whole concept of CDP and NES moreover assumes that the village community has many common interests and that these are strong enough to bind its members together. And that the interests of the various groups and classes within the village are both sufficiently alike and common to create general enthusiasm as well as a feeling of development for all. It also implicitly accepts the state as an impartial supra-class and a non-partisan body whose major policies are of such a nature that they do not further sharpen the inequalities between the existing social groups.56

^{54.} p. 1369; author's emphasis. For details, see Dak. pp. 149-55.

^{55.} For this paragraph and quotation, see Dak, pp. 156-7.

^{56.} Desai, pp. 134-5.

Myrdal develops the same point: "From the start, the philosophy underlying CD presupposed that the village was a unit with a basic harmony of interest among its members. This idea, though consistent with the Gandhian concept of village life, was and is unrealistic. Indian villages... are torn by conflicts of interests among their economic and social groups... The long-standing clash of interests within the village hierarchy, and the failure to draw up and carry through a consistent land reform program... are the fundamental factors responsible for the fate of India's CD efforts."57

Myrdal continues: 'India's failure to make more progress in the direction of welfare democracy reflects the fact that no significant attempts were made to organise the masses, or to impress upon them their stake in agitating for a break-up of the country's rigidly inegalitarian social and economic structure. The impressive facade of parliamentary democracy cannot hide the fact that political participation in any meaningful sense is confined to small upperclass groups (including the urban 'middle class' and the 'rural elite' of landowners and middlemen). The political behaviour of the masses is largely controlled by individual personalities who appeal to religious sentiments, caste, or to regional loyalties and antipathies. India's parliamentary system has proved to be remar-



Stagnation in Social Justice!

kably stable, but it is the stability of stagnation."58 As already pointed out,59 it is at least stagnation in social justice!

Being relatively unorganised and unaware of their political potential, the Indian poor continue to be exploited by state power. As Rudramoorthy writes, "one cannot escape the feeling that something vital is missing in our development programmes and the way they are being implemented. The development delivery system is topsy-turvy and the bureaucratic structure... is responsive to demands from higher levels, but not so much to the needs of people at lower levels, specially in the villages,"60 The main decisions about development policies are made by politicians, economists and bureaucrats, and their choices are influenced by the overall interplay of economic and political forces and their own class positions in society. The implementation of policies is also influenced by similar factors.

To understand what has gone wrong in the field of development, one should therefore recognise the class character of the Indian state. As health, education and law, development can also be considered a sub-system in society. Development policies are thus subject to vested interests and possess a class character.61

Conclusion

FYP VI properly describes the present situation, but falls short in its analysis and recommendations: "With regard to social justice, what we have achieved is far short of what we aimed at. After three decades of planned development large segments of the population have yet to share in the benefits of progress or participate in the process of development. From the Fourth Plan, several programmes for assisting backward areas and weaker sections have been in force. Yet, judging by the statistics on asset distribution, employment and consumption the impact seems to be limited. What is needed is a more effective implementation of asset transfer measures such as land reforms, more equitable distribution of credit and a coordinated effort that

^{58.} p. 776.

^{59.} See above, p. 24.

^{60. &}quot;Whither Rural Development", in IE, Feb. 2, 1983.

^{61.} This whole section should be developed as we have done for health (cf. "Health Care in India", op. cit., pp. 69-81).

enables the poor to join the mainstream of economic activity and provides them with an opportunity for advancement. This will require firstly, an improvement in their productivity and earning power in their existing activity, secondly, supplementary employment in new activities to use up any spare labour time and thirdly, training, credit and support systems to assist them in both their existing and new activities."62

Once again, the government emphasis is much more on poverty alleviation and increased production than on the reduction of inequalities—the problem is mentioned in the description of "what is needed", but fades out in the action programme of "what is required"—and the organisation of the oppressed to defend their rights. In spite of a certain shift in favour of the poor in their budget allocations, FYPs IV, V and VI do not propose any concrete measure for a radical redistribution of economic assets and political power, and for a deep transformation of ideas, attitudes and values.63

^{62.} p. 10. For details, see pp. 7-10 & 167-9. The plan adds: "The most that can be claimed is that there has been no perverse movement, no worsening of inequalities or in the incidence of poverty. In fact, in some respects a degree of progress has been achieved. But, on balance, the pace of movement is much slower than what is acceptable or possible within the framework of the plans and a greater degree of redistributive bias has to be built into our development effort." (p. 9).

^{63.} We came to similar conclusions in the field of health. On this, see "Health...", op. cit., pp. 26-30, 43-5 & 79-81.

II. Action Groups'

George Joseph John Desrochers

The government and the political parties are not the only bodies at work in India in the fields of relief, development and social action. Hundreds and even thousands2 of voluntary agencies (VAs), non-governmental organisations (NGOs), action groups (AGs) and non-party political formations (NPPFs) have indeed become involved in a wide variety of activities: aid, development, health care, education, feminism, environment, human rights, conscientisation, organisation, etc. These NGOs and AGs represent "a bewildering mix of ideologies, objectives, working styles, social composition, funding and support sources, size of organisation and operation..."3 Their members—and inspiration—come from one or many of the following backgrounds: RSS, gandhian, sarvodaya, christian, humanitarian, marxist, naxalite, new left, etc. The scene of AGs is moreover very fluid. There are many casualties among social workers/activists and AGs, but the flow of new members and groups is also uninterrupted and increasing. And many AGs deeply evolve in their ideologies, objectives, strategies and tactics.

The NGOs and AGs possess their own self-understanding and self-appraisal. They are also assessed very differently by various social analysts, political parties and sections of society. In the light of widely dissimilar criteria, they are either greatly praised or severely criticised. Some authors like Kothari, Sheth and Sethi on the whole view the AGs as searching for, and discovering, a new and alternative approach to development and/or politics, while the CPM and writers like Karat, Omvedt and John tend to see them as reformist deviations, which attack politics

1. On the scope of this chapter, see above. p. 3.

3. Sethi, "Redefining...", p. 1.

^{2.} In 1982, the Home Ministry spoke of about 5.000 organisations receiving funds from abroad under the 1976 Act. On this, see Karat, p. 43.

and leftist parties and defuse class struggles.4 As we shall see, there are many nuanced presentations between these two extremes. Aaftaab for example speaks of the "complex and contradictory nature" of AGs, at the same time somewhat "influenced by a radical ideology of social transformation" and shaped by structural links—above all financial—to the establishment.5

To facilitate a proper reflection on the significant phenomenon of NGOs and AGs, this chapter is divided into three parts: "The Historical Background", "Towards an Assessment" and "Possibilities of Relevant Action". The first one highlights the specific conditions in which AGs arose and grew and their overall historical evolution. The second part proposes a much needed classification and analyses the basic characteristics, potential and limitation of various types of AGs. And the third one finally investigates how AGs can contribute to build a truly socialist and democratic society in India. In this way, we will understand better what can be done in the field of development and in other sectors of concern for social activists and Indian citizens.

The Historical Background

VAs and NGOs are not new on the Indian scene: their history is over a 100-years old. In fact, the basic Act governing today's registered societies was passed in 1860. From this time onwards, many social reformers promoted various culturo-religious, social and economic reforms. Their organisations varied from charitable societies to organisations leading the educational movement (founding schools, especially for girls, libraries, debating societies, social publications, etc.) or devoting themselves to specific reforms such as the promotion of widow marriages and the abolition of child marriages and of various religious practices harmful to progress. The British generally encouraged these reformist efforts and oganisations which suited their educational and modernising policies. In the 20th century, however, the em-

^{4.} For references, see the bibliography, John J. ("Critique of AGs". in MR XVI, 1982, pp. 67-77), Omvedt G. ("New Strategies of the Bourgeoisie", in "Frontier" 1980 no 19, pp. 3-6), and "Political Developments" (CPM Central Committee's Report, Calcutta, June 1981, pp. 34-5). Most of these articles can be found in "Action Groups...".

^{5.} pp. 70-3.

phasis graduallly shifted to political reforms and the freedom struggle.6

Humanitarian, gandhian and christian principles continued to inspire various charitable and development organisations before and after independence.7 In the 1950s, most VAs "were either in relief (satisfying the immediate needs of the people) or in institutionalised programmes sponsored by schools and hospitals". In the 1960s, many realised that this approach fails to reach the most needy and, still more, to make them self-sufficient. Efforts were therefore focused on functional literacy and technical education as well as on growth-oriented economic and technological inputs. In the 1970s, this approach was also found wanting. A new type of education, geared to making the weakest sections aware of their situation, to enable them to become active agents of their own development and change in their society, was thus considered essential." The conscientisation and organisation of people were deemed necessary to counteract the dominating castes and classes and to prevent them from monopolising the benefits of development. The growth of people's organisations became the main criterion of genuine progress.8

In spite of some chronological discrepancies, the CPM analyst Karat basically agrees. In the 1960s, the non-governmental sector was mainly utilised for relief, rehabilitation and charityoriented projects. From the early 1970s, VAs and AGs proliferated. Up to 1975-76, the emphasis "was on development projects: rural development, CD, employment-generation, slum improvement, betterment of living conditions, etc." The serious constraints experienced during this first phase led the VAs and AGs to adopt another strategy. In the second phase, "'people's movement', 'people's consciousness' and 'people's organisation' became the catch-words. So different variants of 'education-consciousness-organisation-struggle' began to be advocated and put into practice."9

8. Fernandes, "Nature...", pp. 414-5. For more details on the evolution of development theories, see above, pp. 5-7.

^{6.} For this paragraph, see Sheth. "Movements", pp. 49-50.

^{7.} See above, pp. 10-1.

^{9.} pp. 24-6. In this process. "voluntary organisations" were often renamed "action groups", and "social workers" successively became "development workers" and "social activists" ... Fernandes' chronology is more accurate.

According to Karat, many AGs follow an internal evolution from development to organising people. 10 Sheth gives a more general description of today's fluid scene: "The old charity groups are turning into developmental groups; (the latter's) activists... are turning to struggle-oriented political and semi-political groups, and the developmental groups themselves are drawing new motivated and committed members from the professionals. The political groups are thinking more and more in terms of moving towards wider joint and united groups outside the existing political parties and the semi-political groups are splitting with some members joining parties of the Left and others acquiring a clearer identity as transformative groups working with the people. However, the non-political transformative groups are beginning to see that their seemingly non-political activities do involve a confrontation with the power-structures."11 A more detailed study of this evolution will be made in our assessment of AGs

Various authors and organisations moreover try to explain why AGs grew so rapidly in the late 1960s and the 1970s. With little understanding of the Church and her cautious attitude towards liberation theology, the RSS basically views christian AGs as a new Church plot and approach—under marxist cover—to break Hindu society and make christian converts, at least on a longterm basis.12 The CPM stand deserves more attention. According to Karat, imperialism utilises the network of VAs and AGs to halt its decline: "There is a sophisticated and comprehensive strategy worked out in imperialist quarters to harness the forces of VAs/AGs to their strategic design to penetrate the Indian society and influence its course of development. It is the imperialist ruling circles which have provided through their academic outfits the political and ideological basis for the outlook of a substantial number of these proliferating groups in India. By providing liberal funds to these groups, imperialism has created avenues to penetrate directly vital sections of the Indian society and simultaneously use this movement as a vehicle to counter and disrupt the potential of the left movement. The Party has to

^{10.} p. 35.

^{11. &}quot;Movements", pp. 50-1. For these categories, see below, pp. 41-4.

^{12.} Agarwal S.K.. "Church Goes Political in India", in "Manthan" 1983 no 4, given in "Action Groups..."

take serious note of this arm of imperialist penetration while focussing on other instruments and tactics of imperialism."13

While challenging AGs to be self-critical and independent, this thesis lumps very different organisations together and condemns all of them with its sweeping generalisations. Seriously underplaying the ideological and political contradictions prevailing in Western and Indian societies in general and in Church circles in particular, it simplistically reduces an often authentic search and upsurge to counter-revolutionary manipulations and bypasses the radical potential of important forces. On account of these and other reasons, several leftists disagree with the official stand of the CPM on AGs.14 A MR editorial for example states: "These groups are part of the worldwide radical and humanist movement in the christian world. And, if some... get money from abroad, they get it from similar radical sources who are themselves working for an alternative to capitalism and its decadent values." 15

Many social analysts link the growth of AGs with the socioeconomic and political crisis affecting Indian society since the late 1960s.16 Kothari thus characterises the context in which AGs developed: "The engines of growth are in decline, the organised working class is not growing, the process of marginalisation is spreading, technology is turning anti-people, development has become an instrument of the privileged class, and the State has lost its role as an agent of transformation, or even as a mediator, in the affairs of civil society." "Democracy' has become the playground for growing corruption, criminalisation, repression and intimidation for large masses of people." There is a virtual collapse

^{13.} pp. 20-1, cf. pp. 19-24 and 42-8. Karat thus elaborates the official position of the CPM ("Political Developments", op. cit., pp. 34-5). The CPI has not made any declaration on AGs...

^{14.} This is recognised by Karat and the CPM Central Committee. On this, see also Wielenga B., "Religious Agents of Counter-revolution", in MR XV, 1981, pp. 197-202; Patankar B.. "Whither Communist Movement?", I & II, in "Frontier" 1984 nos 37 & 38. pp. 8-10 & 7-9; and the MR editorials, vol XV, 1981, pp. 53-4 & 99.

^{15.} op. cit., p. 54.

^{16.} This chapter only sketches this crisis as a background for AGs For details, see our forthcoming CSA booklet, "India 1985", and the articles of Aaftaab, Kothari, Sethi and Sheth, given in the bibliography.

of government in many parts of India. Available ideologies and formal politics seem unable to cope with this overall crisis and "there is discontent and despair in the air—still highly diffuse, fragmented and unorganised". A massive process of depoliticisation is taking place... In short, the "top down" model of development and politics has failed and the State has lost much of its credibility. At this point of history, the "existing institutions and the theoretical models on which they are based have run their course." "Hence the need for a new genre of organisation and a new conception of political roles. It is to fill this need that the widespread phenomenon of NPPFs (as distinct from non-political VAs working on various development schemes) has occurred."17

Aaftaab discerns a twofold crisis in today's situation: "a crisis of the capitalist path of development with its manifestations now festering in every sphere, economic, political, social and cultural"; and "a crisis of politics—an inability of the given conceptions, analysis and practices to meet the given situation. The two aspects of the crisis are related to one another." The economic conditions of the masses have deteriorated and "the multi-party, parliamentary-democratic system, to common perception, is no longer capable of delivering the goods". On the one hand. "the parties of the right are thoroughly discredited" and, on the other, the communist parties have been unable to emerge as a national alternative. The masses are therefore "becoming apathetic towards politics in general. Politics is being viewed by the common man with distrust, disgust, scorn, scepticism and cynicism." On the whole, in the 1970s "an ideological atmosphere condoning and legitimising non-party, grass-root level activities prevailed... The international atmosphere (Sino-Soviet split, liberation, race, women's, minorities', students' movements, New Left, Maoism etc.) also encouraged this process. Most important, the masses themselves were ready to listen to young, non-party activists."18

^{17. &}quot;The Non-Party...", pp. 216-20. This article can also be found in "The Illustrated Weekly", April 29, 1984, pp. 24-31.

^{18.} pp. 63-72. According to the author, the communist parties have however preserved their credibility...

Sheth presents a complementary scenario. In his opinion, the Indian polity entered a state of crisis with the breakdown of the Congress party. "The State, once seen as the liberator of the poor, a fair and justifiable political authority, began to be progressively perceived as a power-structure in the hands of a small elite." National politics became fragmented and political parties acquired a regional character. At the same time, many ethnic and religion-based forces, parties and movements grew. Added to these were the "nationality", self-determination and "sons of the soil" movements, which were not controlled by any national political party. Alongside sprang up several other people's movements and the AGs... "Seen in this context, the politics of movements and groups, on the whole, was getting detached from the national politics of parties, legislatures and elections." 19

Several authors also highlight—and often deplore—the failure of the left to capitalise on the present crisis. About 45 activists from AGs characteristically write: "In this situation, the Left parties have a crucial role to play so that they may present themselves as a viable alternative. But they have not fully responded to certain specific realities of our society, e.g., caste, religion, culture etc. They have also failed to organize various un-organized sectors. The Left parties moreover are divided and concentrated only in some regions of India and hence their impact on the total political process is limited."20 This is compounded by their rigid hierarchical and bureaucratic structures and their opportunistic and shifting alliances with bourgeois parties. Various AGs and people's organisations therefore fill this leftist vacuum and sometimes even challenge the communist parties...21

Sethi thus sums up his findings on SPAGs: "These groups while not constituting a major autonomous macro-force, do not necessarily have to be seen only as either non or counter revolutionary, or only as adjuncts leading into a macro-political party.

^{19. &}quot;Movements", p. 46. On this, see also "Grass-roots...", pp. 259-60.

^{20. &}quot;Political...", p. 104.

^{21.} On this, see for example Aaftaab (pp. 66-9 and 71), Muricken (p. 137) and Sethi ("Alternative...", p. 1307). It is interesting to point out that Karat severely criticises the anti-communist stance of the AGs. but completely bypasses the inadequacies of the leftist parties...

They are a reflection of a growing disenchantment with traditional roles and organizations, and should be seen as attempts by the alienated sections to bring meaning and relevance into their activities." In another passage, Pendse, Roy and Sethi go further: "While trends and tendencies in the society steadily worsen, and the state and opposing political formations prove incapable of understanding or changing the oppressive reality. large numbers (only in absolute terms) of young men and women are beginning to form a variety of organisations with a view to intervening in the social processes... These individuals are moving into slums, factories, villages and tribal areas to work for and with the oppressed classes and strata in a wide range of activities ranging from relief, charity, and development to organisation and politics. It is these attempts to create new developmental, organisational and political forms and to redefine the nature of politics and political activity, which we have tentatively clubbed together under the title NPPFs"22

Towards an Assessment

To properly assess the AGs, one needs to classify them as systematically as possible. This is essential to clarify the present debate about their role. As already mentioned, the scene of VAs and AGs covers a wide range of activities and ideologies. Certain groups can be easily identified at both ends of the spectrum: philantropic and welfare organisations, development agencies and groups—with or without community participation—, and frontorganisations of political parties. "Another category comprises the non-party political groups or groups claiming to be parties but which are small and localized in their operation." Many of these have come into existence as a result of splits in the left parties and/or in reaction to the latter's electoral politics, lack of intra-party democracy and gerontocracy in leadership. These political groups, which are often hostile to their parent bodies, involve themselves among the people with the goal of capturing state power through revolutionary politics.23 They also sometimes

22. As given in "Action Groups...", pp. 8 and 6-7.

^{23.} We basically follow Sheth's classification and description ("Movements", p. 50). Sethi's categories are rather similar ("Redefining...", pp. 2-8). This terminology is fairly widespread. For a more ideological classification, see John J., op. cit. Patankar makes an enlightening survey of new movements within, or on the fringe of, communism (op. cit.).

infiltrate other AGs.24 New/ultra left groups should probably be included among the political AGs.

There are other struggle groups, political in nature, but functioning outside the framework of organised politics and parties. They are often called SPAGs or NPPFs. "Their ideology is the 'empowerment of people'... Their work consists in raising the political consciousness of the people, setting up the people's own organizations, preparing them for direct action and confrontations with the local power-structures. These groups are usually and almost exclusively confined to the most poor and oppressed sections of the society and are concerned with the totality of the people's life—political, social, economic and cultural." Though not aiming at the capture of state power, these groups progressively organise the vulnerable sections through struggles on specific issues. "Through this process they are building for themselves a new political credibility which at present admittedly has little impact on prevailing institutions (elections, parties, etc) but are bound to create a long term impact on the nature of Indian politics. Thus, the new change-agents and AGs are creating new political spaces for themselves, often inviting the wrath of the government as well as the political parties."25

^{24.} Karat critically writes that many naxalites, after the disintegration of their movement in the early 1970s, took "shelter in voluntary groups as it gave them some semblance of maintaining their old political stance of working among the poor, provided them with a livelihood and financial security and enabled them to continue their petty-bourgeois anarchist way of life without the rigorous discipline of a working class organisation." (p. 40).

^{25.} Sheth, "Movements", p. 50, and "Grass roots...", p. 261. According to Aaftaab, both the political and SPAGs "usually facilitated direct participation, self-organisation and self-activity of the masses". Yet, there are crucial differences. The political groups "had no institutional support, financial or otherwise, and only rarely enjoyed tolerance. Their ideological stand and perspective was always explicit and clear (however inadequate and erroneous it may have been). They were also by and large keen to develop ties with the working class, to combine rural and urban work, to extend and expand their activities." It is the political groups "which have posed the decisive challenge, in local situations, to the establishment" and "which have exerted pressure on the established political parties" (pp. 73-4).

Though this is often not done, other important distinctions should be recognised among the SPAGs. "Some of them tend to concentrate only on political education to the exclusion of economic inputs, for fear that they may obstruct a genuine educational process. Others feel that an economic or technical component should be used as a tool for education and that the weakest sections are often unable to become active without some economic support."26 Some SPAGs moreover limit themselves to the conscientising process, while others focus their attention on people's organisations and actual struggles. As we shall see, these struggles are conducted either alone or in collaboration with other AGs and even with political parties.

A last category can be added: "Some other AGs are difficult to classify... Like the SPAGs, their primary concern is not the capture of State power. They are really concerned about problems of social and cultural transformation as also of fighting State power and political repression. They are engaged in raising a number of micro as well as macro-level issues and their resolution. The problems they choose are quite different from the ones that preoccupy the developmental, the political and even semi-political groups." These can broadly be called transformative action groups (TAGs).* Included among them are the human rights and peace groups, the ecological groups, the feminist groups, the alternative professional associations—fighting their own establishments and working at the grass-roots—the legal-aid groups and so on 27

Table IV outlines the different types of AGs. Each type or

^{26.} Fernandes, "Nature...", p. 415.

^{27.} Sheth, "Movements". p. 50. The author suggests "non-political transformative groups" as heading. Though non-party, these groups are certainly as political as the so-called "semi-political" groups. We therefore prefer to drop the misleading "non-political"... Sethi speaks of "protest groups and related activities" ("Redefining...", pp. 7-8). He adds that such groups play a significant role in creating a better understanding and action for social transformation. By raising different issues, "they contribute to the development of a heightened sensitivity and debate that draws conventionally apolitical citizens into expressing and fighting for their basic right to participate in the decision-making processes in the country." The last chapter of this booklet describes the contribution of some of these groups (below. pp. 115-21).

TABLE IV28

Types (Approaches) of Action Groups

- 1. Charity & Welfare
- 2. Development*:
 - a) with or without community participation
 - b) with or without conscientising dimension
- 3. Conscientisation & people's organisations**:
 - a) with or without development programmes (SPAGs or NPPFs)
 - b) transformative action groups (TAGs)
- 4. Politics:
 - a) non-party political groups
 - b) front-organisations of political parties

approach represents a focus of action. Since the fourth category falls beyond the scope of this essay, let us now assess the other types of AGs with a special emphasis on the third one. In this process, the positive and negative characteristics of these groups will become clearer. The AGs have been around long enough to make a serious evaluation possible and necessary.

Charity and Welfare²⁹

Thousands of institutions and AGs still work at the level of

^{28.} Rather than being absolute categories, these divisions only indicate different emphases. The reality is much more complex. *According to us, genuine development—and charity—should include community participation and conscientisation. We use a different classification here, for many development projects do not in practice comprise these dimensions. **As pointed out. some AGs limit themselves to conscientisation. They hardly deserve being called SPAGs or NPPFs.

^{29.} On this, see for example Desrochers (pp. 17-9). D'Souza V. ("From Disaster to Development", in Fernandes, "People's...", pp. 141-61), Roy A. ("A Marxist Critique of Christian Social Service", in MR XIII, 1980, pp. 309-23) and Sethi ("Redefining...", pp. 2-3).

charity and welfare. Inspired by humanitarian and/or religious principles, they thus concretely respond to the sufferings of the poor and to natural disasters and calamities. Innate and universal feelings of altruism enable VAs to pool together men, money and goods in the event of a crisis. By and large, these organisations and AGs are considered useful by the State, the political parties 30 and the general public, provided they do their work honestly and without ulterior motives such as conversions and self-aggrandisement. These are indeed genuine needs and one should admit the occasional necessity of relief work.

Yet, these AGs must realise the great limitations and pitfalls of the welfare approach. Charity indeed completely fails to solve the root-causes of the problems. By their paternalism, benefactors also often foster attitudes of dependence and passivity among the needy. It is not rare that communities continue to receive aid many years after a tragedy and such an occurrence is "an even greater disaster". This has for example been the experience of the Seminary Shramadhana Sangha of Mangalore: "Soon we realised that we had to change our method. Our older approach was somewhat relief-oriented and... tried to solve a series of problems like food, shelter or employment... But soon we were painfully aware of its limitations. We felt that while solving some problems we were creating many others. In particular, we found the people depending more and more on us. There were cases in which they would come running to us for repair of a tile on the roof or when the rain water gutter got blocked. Evidently, such people had learnt little about self-reliance. We found that we had encouraged individualism. The people never formed a community... Above all, we found that they were satisfied with the fulfilment of their present need like a house or a job but rarely developed the habit of critical reflection on their own situation and were very little inclined to organise themselves into any type of activity... to solve some of their community problems. Hence a new approach on our part was necessary."31

^{30.} In spite of contrary views among some marxists, both Karat (p. 50) and Roy (op. cit., p. 315) recognise the value of genuine charitable organisations. Roy writes that "any sympathetic response to human suffering is noble and in accord with the humanistic foundation of marxist thought and practice".

^{31.} D'Souza, op. cit., pp. 141-2 & 144-5.

Many individuals and AGs remain at the level of charity for various reasons: great and urgent needs; lack of reflection on root-causes; non-structural, apolitical and fatalistic perception of reality, which considers massive misery and great inequalities unavoidable historical necessities; helplessness before larger problems and desire of "doing something practical"; etc. Many other AGs however question their approach and evolve towards developmental and even conscientising groups. They discover some guidelines for relevant welfare work: charity should be temporary, limited to truly deserving cases, and addressed to the most needy, irrespective of caste, creed, language and ethnic belonging; it should involve people's participation and lead towards self-reliance and development;32 and so on.

Still more importantly, the AGs discover that they should not stop at charity: the roots of popular sufferings have to be traced in the existing social order and a direct struggle launched against them. They should use relief as an entry point and strive to render charity superfluous. Genuine social service "is oriented towards: a) fostering the independence, self-awareness, collectivism of the people drawn within the scope of social service; b) combining specific forms of social service with a conscious drive for raising the socio-political consciousness of the suffering masses; c) extension of the solidarity of the oppressed and exploited masses along with a specific form of work."33

Development34

Another category of VAs and AGs focuses on developmental activities. Such groups often concentrate on weaker sections and neglected areas and supplement governmental efforts. They do agricultural extension work, dig wells, build houses and dams, set up small-scale industries and cooperatives, create employment, provide medical aid and technical training, organise nutri-

32. D'Souza stresses this point (op. cit.).

^{33.} Roy, op. cit., p. 321, The author speaks of "social service" in a broad sense which includes developmental activities. According to him, marxists would welcome and join such a social service.

^{34.} On this, see for example Aaftaab (pp. 70-5), Desrochers (pp. 19-28). Fernandes ("Nature..." and "People's...", pp. xiii-xxxviii), Roy (op. cit., pp. 320-1) and Sethi ("Alternative..." & "Redefining...", pp. 3-6).

tion and literacy classes, etc.,—all with a view of helping the target population to come out of its poverty, increase production and achieve self-sufficiency. Most of these groups are small and operate in restricted areas, and this facilitates a better knowledge of the people as well as a more flexible organisation and approach. Many also possess local cadres and dedicated professionals in their ranks and their staff on the whole is well motivated. In consequence, such groups often have deeper contacts with the people than government officials and bureaucrats and they obtain better results. Though tostering people's education and participation and even sometimes a certain degree of conscientisation, these groups usually remain "neutral", non-ideological and apolitical. In spite of occasional conflicts with local power-structures and corrupt officials, they usually adopt a non-confrontational attitude.

All developmental groups are not equally successful. A good development strategy should indeed "consist of: (a) human development rather than physical targets; (b) main emphasis on the training of personnel for continuing effort rather than on technical inputs; (c) maximum possible participation of the beneficiaries in the entire process of the project—its origin, formulation and implementation; and (d) emphasis on the tapping of local resources before asking assistance from external sources." A study of ten South Indian projects however showed that "they varied considerably in the extent of people's participation" and, consequently, in their continuity and "the spread and growth of development benefits".35

According to the critics of development groups, efficiency does not however constitute the only issue. The major limitations of development groups stem from the very nature of their approach. First, their coverage and impact are necessarily limited. Since their success largely depends on charismatic personalities and close contacts with people, development projects are moreover difficult to extend and/or duplicate, Second, these AGs are

^{35.} Fernandes, "Nature...", pp. 427 & 434-5. D'Abreo points out that VAs and AGs often fail to enlist the target populations as coplanners, collaborators and primary agents (in Fernandes, "People's...", p. 16). On the search for new development models, see also below, pp. 64-5.

structurally shaped by the system and thereby vulnerable. Though usually possessing "outside" friends and contacts, who give them a certain independence from the local power-structures and a corresponding freedom of action,36 AGs often depend on the good will and finances of the rich and powerful to survive. Cutting their funds plunges them into agony. Their micro-level character also makes them easily crushable. They cannot afford to antagonise the rich and threaten the power structures, at least not to a great extent. For them, "diplomacy" is a must.37 Third, development groups work almost only at the level of reforms. They by and large fail to attack the root-causes of the problems and to tackle the questions of structural transformation, property relations, redistribution of resources, development policies and budgets, power relationships and politics. Fourth and last, these AGs —consciously or not—are often made to produce negative effects by an unjust system. The rich and powerful—and the VAs and AGs!-capture most development benefits and strengthen themselves, thus aggravating the prevailing inequalities. The beneficiaries become dependent on funding agencies and they are mellowed down and somewhat integrated into the system. Development groups thus inadvertently stabilise the system and render the oppressed less revolutionary.

This analysis to a good extent explains the reactions of the leftist parties towards development efforts. "At best these activities are dismissed as reformist, do-gooder attempts which can never solve the basic problems confronting society. At worst there is a direct hostility towards these groups, because their work defuses tensions and delays the much awaited revolution. The fact that such activities receive liberal support from the State and non-State (including foreign) sources makes it easier to dismiss them as part of an official conspiracy to weaken the left." Within the present "social framework, tinkering with development pro-

36. On this, see Aaftaab (pp. 73-5) and Arole (in Fernandes, "People's...", pp. 35-6).

^{37.} Roy for example remarks that "such development projects cannot survive against the adverse pressure from the surrounding social milieu, dominated by big business, profiteers and other representatives of corrupt practices" (op. cit., p. 320). And Sethi: "The local big wigs, the bureaucracy, the traditional institutions of caste, politicians—all serve to frustrate any attempts at honest work" ("Redefining...", p. 4).

jects in isolated communities only serves to divert the attention from the critical task of working for a social revolution."38

But are such development programmes and AGs useless? Sethi thinks otherwise: "Constructive work activity has a value not only in itself, or in providing an entry point for more 'radical work' or in generating cadre for organisational and political activity, but very much because such groups offer the possibility of experimentation with alternate styles of doing things and with different organisational models and processes." Their experiments are "a constant reminder of what in fact is possible, even within the existing structures", and still more, of what can be accomplished in another socio-political setting. "The limits to micro actions as an alternate development strategy are fairly sharply defined,... (but) it would be wrong to dismiss strategies of health, or education, or housing as unimportant just because they do not immediately lead to a structural transformation. It is really through (these) processes..., no matter how partial they are, that social transformation becomes possible. Also it is experiments like these which create the basic learning and experience, on the basis of which alternatives under a new order can be attempted."39

The preceding paragraphs have raised the crucial issues of the proper methodology for radical societal change and of the possible contribution of micro-level actions. We will come back to these questions later.40 For the time being, let us emphasize that it is increasingly recognised that AGs should move beyond mere development, that is, towards the "education and organisation of the people to counteract the elements that enable the dominating groups to keep the others in a state of misery in order to increase their own power".41 This is absolutely required to optimise the potential of development projects and obviate their dangers.

Though many development groups unfortunately remain satisfied with their approach, it is heartening to note that many others undergo significant changes and become SPAGs/NPPFs. Their experiences push them forward: "Such groups began... with

^{38.} Sethi ("Redefining...", p. 4) and Roy, op. cit., p. 320.

^{39. &}quot;Redefining...", p. 5-6, and "Alternative...", pp. 1315-6.

^{40.} See below, pp. 57-61.

^{41.} Fernandes, "People's...", p. xxxvii. On this, see also Roy's conclusion on relevant social service (above, pp. 46).

non or anti-political perspectives. Their concerns were varied: aid, charity, education, development, etc... The activities involved a live contact with the exploited and oppressed sections. The activities also brought them in a position of opposition to the oppressive, ruling, power structures in their areas of activity. The nature of exploitation and oppression began to become clear to them through direct, practical experience. Quite unknowingly to begin with, they started taking political stands in choosing sides. The local experience and sensitivity slowly expanded and extended to become a general anti-oppression, anti-exploitation stand."42 In the last years, quite a few other groups started with this outlook... Many AGs have thus become concerned with conscientisation and people's organisations.

Conscientisation and People's Organisations⁴³

Much has already been said about the growth of new AGs in the context of India's socio-economic and political crisis and the historical evolution of many charity/development groups towards conscientisation and people's organisations.44 We will now assess more systematically the potential and limitation of this third category of AGs. In the process, the basic characteristics of these groups will emerge more clearly. We will conclude this section with a brief reflection on the key issues at stake in the present debate.

Achievements and Potential45

Certain features of the SPAGs have already been clarified in the previous pages. "Group after group of sincere and sensitive persons realised, however reluctantly, the need for organising the people and for siding with them in their struggles." As a 1976-77 report puts it, "only a radical change in the system and structures will bring about social justice and this change will hap-

^{42.} Aaftaab, p. 70.

^{43.} This section covers both the SPAGs and the TAGs.

^{44.} See above, pp. 36-41, 46 & 49-50.

^{45.} For references, see especially Aaftaab (pp. 73-7), Joseph (pp. 22-3), Kothari ("Non-Party...", pp. 219-23), Muricken (pp. 137-40), "Political...", Sheth ("Grass-roots...", pp. 260-2) and Sethi ("Alternative...", pp. 1313-6).

pen not through the benevolence of the 'haves' but through the rising of the 'have nots' ".46 Exposed to brutal realities, many AGs indeed understood the role of micro and macro power structures and recognised the existence of an oppressive, exploitative and dehumanising system. They thus progressively came to view development in terms of people's awareness, conscientisation, mobilisation, participation and organisation. Once "politicised", they initiated a new educational process among the most disadvantaged and spread critical awareness to free them from their oppressors. They tried to equip the masses "with knowledge and power to work for their liberation from exploitative forces".47 In other words, these AGs evolved from development to conscientisation, and from conscientisation to organisation.48 People's participation in development became people's participation in politics 49

The SPAGs usually work for and with the most needy and oppressed: harijans, tribals, women, slum-dwellers, landless agricultural labourers, marginal and small farmers, share-croppers, plantation workers, fishermen, artisans, unorganised workers in rural and urban areas, etc. Their priorities lie with those who are either left out or victimised by development. They prefer to be directly involved with specific vulnerable groups and to help them become change agents. 50 Many SPAGs moreover possess local cadres in their ranks.

Concerned with all aspects of deprivation and oppression, the SPAGs moreover fight for integral liberation. In this process, they make new demands, politicise new sectors of life and redefine politics. "Issues and arenas of human activity that were not

47/7. (First Mour - Financia)

^{46.} Aaftaab, pp. 73-4, and BUILD's report, quoted by Joseph, p. 20.

^{47. &}quot;Action for World Solidarity", West Germany, quoted by Karat, pp. 25-6.

^{48.} Sethi for example writes: "The actual process of working will depend upon the creation of 'consciousness' which has to be turned into mass mobilisation, and the institutionalisation of this consciousness into people's organisation" ("Alternative...", p. 1313). On the concept of conscientisation, see our forthcoming CSA booklet, "Mass Education and Conscientisation."

^{49.} On this, see Pendse, Roy and Sethi, in "Action Groups...", p. 1.

⁵⁰ These are their main "target groups". On this, see Agarwal (in "Action Groups...", pp. 9 & 12), Karat (pp. 24-5), "Political..." (pp. 102-3 & 104) and Sheth ("Grass-roots...", pp. 260-2).

so far seen as amenable to political action—people's health, rights over forests and community resources, even deeply personal... issues as are involved in... women's rights-get defined as political and provide arenas of struggle. In a number of grassroots movements launched by the non-traditional Left... the struggle is not limited to economic and political demands but is extended to cover ecological, cultural and educational issues as well." The SPAGs do not tackle only questions of land reforms, wages, working conditions and corruption, but also bring new issues into the political process: development, nutrition, health, education, environment, language and culture, bonded labour, money-lending, human rights, peace, role of science and technology as well as of various institutions and professions, and so on.51 As a consequence, new forms of associations/organisations become connected with politics. In these ways, SPAGs highlight the possible contribution of other change-agents than industrial workers and peasants as well as of other forms of organisations than political parties and trade-unions.52

The initiatives of the SPAGs manifest a new approach to development and politics. "The new change-agents and grass-roots organisations view... development not as a problem of efficient implementation and management... but essentially as a struggle for establishing the economic and political rights of the poorest... They demand direct intervention of the State... to protect the rights of the poor and to ameliorate their situation and at the same time organise the people themselves for struggle." In today's confrontational atmosphere, development thus means struggle and people's empowerment. "The grass-roots initiatives in India today are in the nature of both a critique and protest against the prevailing model of development and the emergence of a new and alternative approach to development that is more holistic, transcends economism and managerial ethics, is self-consciously political and it is political on behalf of those sec-

^{51.} Kothari, "Non-Party...", pp. 219-20 & 223. On this, see also Aaftaab, pp. 72 & 74-5, and Sheth ("Movements", pp. 45 & 50. and "Grass-roots...", pp. 260-1).

^{52.} On this, see Sethi, "Alternative..." p. 1315, and Sheth, "Movements", p. 52.

tions of society whom modern 'development' had rendered impoverished, destitute and starving."53

As part of the democratic struggle at various levels, the NPPFs express a deep search for new instruments of political action and new forms of organisation and struggle. By introducing numerous people's issues in the political sphere and by enabling various groups of voiceless people—often so alienated from elective and legislative politics—to intervene, they pave the way for authentic people's participation in politics. Far from being non-political, their responses project a politics of a different kind. The NPPFs occasionally perform roles that were previously played by the State and/or the opposition parties, but their main thrust is on assuming new roles along the lines of providing linkages with new segments and layers of human life. Instead of confining politics to the capture and exercise of state power, the NPPFs redefine it as a comprehensive intervention in the historical process. In spite of their weakness, they can thus be seen as part of a large movement for global societal transformation. Discarding the "top down" model, they are inventing "bottom up" or grass-roots politics.54 They progressively "create alternative power structures which can ensure the continuous participation and involvement of the ... poor in the decisions regarding their own future."55 These structures have to become, on the long-run, strong enough to counteract today's unjust power structures.

Though sometimes preoccupied with immediate issues and suspicious of abstract theories, and finding it difficult to relate specific local situations to the national struggle, SPAGs increasingly feel the need for a wider socio-economic and political analysis. While usually avoiding a dogmatic and sectarian approach

55. Sethi, "Alternative...", p. 1313.

^{53.} Sheth, "Grass-roots...", p. 261. On this, see also Muricken (pp. 138-40), Sheth ("Movements", p. 51) and Wielenga (quoted below, pp. 102-3).

^{54.} On this, see Kothari ("The Non-Party...", pp. 219-23, and "Grassroots", pp. 47-52) and Sheth ("Movements", pp. 44-6, and "Grassroots...", p. 261). Kothari speaks of new actors, new roles, new forms of organisation, new issues/struggles/contents... Sheth points out the impact of TAGs—peace, human rights, ecology and women's movements—on today's politics and opines that AGs are likely to play a similar role in the future...

and remaining open to people's needs and aspirations, they sincerely search for a correct ideology. Many SPAGs are also "making use of Marxism as a tool of analysis to understand the reality and plan their strategy. For this reason, they feel the need for a continuous dialogue with Left parties as well as with Marxist theoreticians." Some of them even search "for a political identity to move towards a defined political path".56

Let us now conclude this section. Most social activists are sincere and idealistic young people who are genuinely concerned with the building of a just and non-exploitative society. Their work plays an important role in stirring the oppressed masses to assert their humanity and fight their exploiters. In quite a few areas, SPAGs have succeeded to build a mass base, organise the people, and thus emerge as a significant social force. "The strength of most AGs come from their 'local character' ... They are aware of the local environment, responsive to it and responsible for it." Their size permits flexibility and innovative possibilities that political parties lack. The processes of mobilisation and organisation, their selection of issues, their stress on empowering the people rather than the organisation, their style of personal relationships—al! these elements tend to make them acceptable among the masses. "It is not only that these groups pick up areas and issues which are neglected by political parties. but that their relative success in these areas indicates that groups and strata considered unorganisable for social transformation, both in conventional Marxist theory and in practice (because of their relative unimportance in decisive struggles for capture of power). cannot so easily be dismissed of their respective roles in the struggle for social transformation." The experiences of SPAGs finally "underlie the importance of different organisational models and processes."57

Problems and Limitations 58

The previous pages have already voiced the main criticisms of

^{56. &}quot;Political...", p. 104, and Joseph, pp. 22-3. On this, see also Fernandes, "People's...", pp. xxxii-viii, and Wielenga (op. cit., pp. 199-200).

^{57.} Sethi, "Redefining...", pp. 6-7. On this, see also Aaftaab (pp. 74-5 & 76-7) and Muricken (p. 137).

^{58.} On this, see especially Aaftaab (pp. 75 & 77-80), "Action Groups

the RSS and of the CPM as well as the particular weaknesses of AGs oriented towards charity and development.⁵⁹ Let us focus here on the specific problems and limitations of SPAGs. We will first mention a series of factual observations which can only be answered by accurate sociological surveys. In the unfortunate absence of such surveys, these criticisms will raise some pertinent questions and hopefully help the SPAGs in their self-evaluation. We will then consider some more theoretical arguments in our final assessment, "The Crux of the Matter".

According to Kothari and Sheth, numerous practical problems bedevil the SPAGs and hamper their day-to-day functioning: fragmentation, sectarianism and mutual suspicion, limited reach, insufficient finances, and hostility both from government and political parties. 60 According to the Indian Social Institute Documentation Centre, the following elements cast serious doubts about their constructive role: "the very manner of operating of these groups (taking up mainly local issues), the social background of their 'animators' (petit bourgeois in the left parlance), the source of their funding (for most of them, foreign funding agencies), and their internal squabbles and divisions (arising from conflicts of personalities, ideological differences or problems of economic survival)".61

Aaftaab stresses the theoretical and strategical limitations of the SPAGs: "Their stands are unclear and vague; often ad hocist or pragmatic. Their analysis of the situation is often simplistic—even populist." In the past, their orientation "was vehement in its populism, spontaneism, localism and activism. This consigned them to a distrust of and antagonism towards intellectual activity, sophisticated analysis and mature theory... Most AGs were victims of a deep-rooted even if concealed suspicion and hostility towards Marxism. This combined with their middle class roots and links also produced an antagonism towards the organised, industrial working class." Their practice was moreover issue-

[&]quot; ("Introduction", pp. 1-2), Muricken (pp. 137-8 & 140-1), and the articles mentioned above in note 4.

^{59.} See above, pp. 37-8, 45 & 47-8.

^{60. &}quot;Grass-roots". p. 50, and "Movements", p. 52

^{61. &}quot;Action Groups...", "Introduction", p. 1.

based and "essentially reformist".62 In a similar vein, Karat denounces the following defects in the SPAGs: "their suspicion of the working class movement, their hostility to any centralised organisation, their silence on the socialist camp..., their willingness to become vehicles of anti-soviet propaganda, their petty-bourgeois glorification of 'people' at the expense of classes..."62a

Aaftaab concludes that the SPAGs have been "a colossal failure": "The promises they made and the hopes they held out have not been fulfilled". The objective conditions of poverty and misery did not indeed change even in the areas where such groups function. The new people's organisations "have not been qualitatively different from the traditional mass/political organisations" as people's power and leadership by and large remained catchwords. Coordinating efforts among AGs have yielded no tangible results and political alternatives have not been created.63

What to think of such statements? There is a great diversity among SPAGs. While representing real problems, weaknesses and tendencies, the above criticisms contain many exaggerations and generalisations and they are seriously contested. As already mentioned, most SPAGs possess a certain macro perspective and ideology. They receive funds from various agencies, but the latter are often like-minded and encourage people's participation and initiatives. The AGs are also careful to maintain their independence. SPAGs should not moreover be confused with political groups (table IV) and are not usually anti-marxist, anti-party and anti-working class. They often succeed to create genuine people's organisations and to achieve significant results...64

^{62.} pp. 70, 77 & 78. Muricken rightly emphasises that "issue-based conflict/confrontation is not harmful to the system but has a civilising effect because it rectifies the aberration without changing the system". Such struggles are not revolutionary, but reformist (pp. 140-1).

⁶²a. p. 51. Muricken also condemns, among other things, the appeal of SPAGs to 'people' rather than to 'classes'... (p. 138). What a contrast with other writers who see these new change-agents as a positive contribution (above, pp. 51-4)!

^{63.} pp. 78-9. According to Aaftaab. AGs are old enough to have already born fruit (p. 76). He minimises future possibilities (cf. below, 66-75).

^{64.} On this, see for example Joseph, pp. 22-3, and above, pp. 53-4.

While awaiting the sociological surveys, which alone can reveal how widespread are the positive and negative features of SPAGs, it might be good to conclude with Kothari: "No one with any sense of realism and any sensitivity to the colossal power of the establishment can afford to be an optimist, either for these movements or for any other transformative process at work. And yet one needs to recognise that something is on, it is serious, it is genuine and it is taking place at so many places. That it is weak, fragmented, lacking in resources and infected by various kinds of personal, organisational and cognitive crises must be recognised. And recognising both the promise and the problems there is need to recognise the important and urgent need to strengthen these and other relevant levers of transformation and survival, at least not weaken them or dismiss them either out of ignorance and complacency or out of doctrinal intransigence and narrow definitions of the historical process."65

The Crux of the Matter66

Let us now face the key issues. Looking at the macro constraints of today's situation, Sethi asks: "So what if a group succeeds in mobilising and organising a bunch of workers, or peasants or tribals, or slum dwellers? Does it change anything? Is it not a weakening of the existing macroformations which are attempting to challenge the system?" Speaking of similar involvements, Aaftaab adds: "Did this divide the toiling and oppressed masses and promote an ideological schism?... Where natural recruits weaned away from left political activity?"67 On the other hand, Muricken makes a thought-provoking statement which

^{65. &}quot;The Non-Party...", p. 221.

^{66.} On this, see especially "Action Groups..." ("Introduction", pp. 2-3), Joseph G. ("Health Care in India", CSA, 1983, pp. 105-7), Karat (pp. 26-31), Kothari ("The Non-Party...", p. 223, and "Grassroots", p. 49), Patankar (op. cit.), Sheth ("Movements", p. 52) and Sethi ("Redefining...", pp. 7 and 9-10, and "Alternative...", pp. 1313-6).

^{67. &}quot;Redefining...", p. 6, and Aaftaab, p. 80. For an example of a clash between a people's organisation and the CPI(M), see "Repression in Dahanu: Where it Comes from", findings of an independent fact-finding committee constituted by Lokshahi Hakk Sanghatana, Maharashtra, Nov. 1983.

springs from a similar outlook: "Protests remain ineffective until they can be combined with real political striking power, which can be provided only by the working population. If there be no working class revolution, there can be no revolution at all... Ultimately it is the nature of the struggle and the class character of the movement which determine the character of the AGs as the agent of change for revolution,"68

Such questions and statements imply a definite understanding of the revolutionary process, which privileges the capture/ exercise of state power, the consequent role of macro movements like political parties and trade-unions, the industrial (and sometimes rural) proletariat as revolutionary agents, and class demands as focus of action. SPAGs and other AGs are judged by their contribution to this type of revolutionary process. "The Marxist Review" is for example favourable to AGs because of "an increasing advance towards Marxism in the orientation of a large number of these groups."69 The crux of the matter lies in theoretical questions which have occasionally surfaced in our presentation: relationship between micro and macro struggles, respective role of party and people's organisations, proper understanding of the revolutionary process, relationship between caste and class struggles, identification of the agents of revolution, etc. Leaving aside the last two questions. 70 let us focus on the first ones.

It is evident that the efficiency of AGs is very much limited by today's overall societal set up. The development policies of the government, the specific economic conditions of various states, the increasing repression of the government and other vested interests, the electoral politics of leftist parties, the widespread caste and regional feelings—all these and many other factors affect their operations.71 As we shall see, AGs must therefore collaborate with each other as well as with broader movements

69. Vol XV, 1981, p. 53.

^{68.} op. cit., pp. 142-3.

^{70.} These were treated in other CSA booklets. "Caste in India Today" (especially pp. 91-8) and "Classes in India Today" (especially pp. 3-6 and 100-20).

^{71.} On this, see for example "Political...", pp. 104-5, and Sethi, "Alternative...", p. 1315. Sethi even writes that "no specific micro action can sustain a direction and nature substantially different from the overall objective conditions."

and political parties. This is necessary for greater efficiency and even, in cases of serious repression, for survival. On the other hand, it is also evident that only the capture of power and the establishment of a truly socialist government can radically change the socio-economic and political structures of the country and enable the AGs to become much more efficient.

The impact of macro structures on the micro level and consequently on the AGs does not however constitute the whole story. Kothari indeed writes: "In the specific case of the politics of transformation, 'macro' and 'micro' are only differential expressions of the same process... At what point in this vast space will the macro permutations take off is difficult to say. It could conceivably be only through the capture of State power, either by a 'smashing' operation or by recourse to the ballot box. But these are not the only forms of affecting State power." "As existing organisations disintegrate or lose relevance, self-activity of the people... will start occurring essentially at 'local' and regional sites and from there, given will and effort, reverberate throughout the wider political space." In the traditional theory of revolution, "the revolutionaries were supposed to be inheritors of the power structure with a view to transforming it. Today the actions of the oppressed have to emanate from outside the prevailing structure." They have "to transform the nature of the State... by simultaneously working at the 'grass-roots' and mediating in the political process of the mainstream. Mediating from the bottom for recasting the top and the middle."73

Sethi expresses similar ideas: "Dominance is exercised by a web of interlocking structures, including those which are not recognised as political. The capture of power, through elections or through a violent revolution, may be a necessary condition for social transformation, it definitely is not a sufficient one. The experience of the Socialist countries... amply illustrates this point. The task, therefore, is a long and arduous one. It demands the winning of the diverse structures of power. The struggle will have

^{72.} Karat evidently stresses this point (pp. 2831) On the crucial role of macro organisations, see the forthcoming CSA booklet. "Mass Movements and Mass Organisations".

^{73. &}quot;The Non-Party...", p. 223, and "Grassroots", p. 49. On this, see also Sheth, "Movements", p. 52, and our section on politics, above, pp. 51-4.

to be carried out wherever it is feasible, not only in the arena of formal politics. The key emphasis underlying this viewpoint is the relative importance given to the process of social action, rather than only on the structures of the exercise of power. Fortunately for us, India still has a democratic legacy... This offers us space for action, in all spheres of social activity. Our energies have to be concentrated on maintaining, extending, and deepening the spaces for democratic and collective action. I do not visualise the possibility of realising a democratic socialist structure otherwise."74

Perhaps still more significantly, Patankar thus describes the new revolutionary concepts which are developing in today's movements. "In the late 60s and early 70s, by 'revolution' people meant smashing the State, establishing a new working class State, taking over the major means of production, reorganization of land ownership, marching towards cooperatives and collectives—and this was all. This whole conception appears outmoded to many of those who themselves held it earlier. Now revolution means not only this, but the formation and beginning of a fight for the implementation of a new strategy regarding man-woman relationships, relationships between people of different castes and nationalities, alternative way of organizing and managing the production processes, alternative concepts of agriculture, an integrated concept of agriculture/industry/ecology, and alternate practices of health."75

Patankar continues: "The second aspect of the new conception is the constitution of a proletarian State which is not an alternate State apparatus standing over the heads of the working class and getting more and more alienated from it, but is the process through which working people will gain control over the process of reconstructing their lives in all aspects. The struggle to establish organizational forms for this proletarian State is an inevitable part of the struggle for alternate strategies of organizing social relationships and relationships with nature. So revolution

^{74. &}quot;Redefining...", pp. 9-10; author's emphasis on "process" and "structures". Sethi however adds: "One cannot indefinitely wait for many micro actions to start, enrich, combine and coalesce to provide a national alternative. A workable compromise, especially in view of the time dimension, is necessary with the existing macro organisations." ("Alternative...", p. 1315).

75. op. cit., in "Frontier" no 38, 1984, pp. 8-9.

now is not an event of some days but an ongoing process of struggle." "The formation of the programme of revolution cannot remain the function of a party or party intellectuals, but has to be a process in which the broad masses of the working people with all their specificities of caste, nationality, sex, etc, will participate... So the party can never remain an organization which is above the masses... This changes both the conception of the party and the relationship between the party and the masses." Today's crisis is a gestation period towards a new communist movement. 76

It might be good, as a conclusion, to repeat here what we wrote earlier: "Without claiming to settle this complex issue, it can therefore be pointed out that both micro-and macro-level actions are indispensable. While we must not lose sight of the ultimate goal of structural change and 'total revolution', we also must be able to promote structural change at the micro-level that offers the poor and oppressed an opportunity to be conscious actors in the process.' Without local consciousness and commitment, large political movements often remain authoritarian and unresponsive to people's needs. And they cannot achieve much if ever they capture power. On the other hand, micro-level action is evidently powerless to bring about any large-scale structural change. In consequence, micro-level involvement should lead to macro-level involvement which should in turn intensify micro-level participation. These two types of action are in fact complementary."77 This understanding of the revolutionary process moreover emphasises a certain continuity between what precedes and what follows the important capture of State power. The presence of dedicated AGs in today's society is a precious asset for the post-revolutionary period and guarantees the depth and democratic character of the revolution.

Possibilities of Relevant Action⁷⁸

The first chapter has shown the basic class character of the

^{76.} ibid.

^{77 &}quot;Health Care...", op. cit., pp. 106-7, quoting Volken H., "Moving Closer to the Rural Poor", Indian Social Institute, Delhi, 1979, p. 27.

^{78.} The next pages owe much to—and quote—our more detailed treatment of the "Possibilities of Relevant Action" in the health field ("Health Care...", op. cit., pp. 105-42, especially pp. 105 & 132-4).

Indian state, which fundamentally accepts and supports our inegalitarian society and its biased development pattern. Yet, some significant progresses have taken place in the understanding of development issues and the Indian state is increasingly pressurised to recognise its failures and to introduce various reforms in favour of the masses. At the same time, it is becoming more authoritarian and repressive and no revolution can be foreseen in the near future... In this overall context, then, what contribution can AGs concretely make? How can they help to answer the major needs of the poor and oppressed and joster a widespread and just development process? Are development projects relevant? Are they, at least, a part of the solution? How to tackle the root causes of the problems? Can local issues be made use of to conscientise and organise the masses, and thus promote the broad socio-economic and political changes required for major breakthroughs? In the light of the considerations of this second chapter, let us now pinpoint the major possibilities of relevant action.

TABLE V

Potential of Various Types of Action Groups

- 1. Charity & Welfare: immediate relief of needy
- 2. Development (without community participation & conscientisation): economic benefits
- 3. Development (with participation & conscientisation): economic benefits, human development and initial steps towards structural changes
- 4. Conscientisation (with development programmes): less economic benefits, but more human development and greater steps towards structural changes
- 5. Conscientisation/people's organisations: no economic benefits, but direct action towards structural changes
- 6. People's organisations: more direct action towards structural changes, especially if AGs collaborate with each other and various movements/parties.

Potential of Various Types of Action Groups

Table IV has classified the different types or approaches of AGs. 79 Each of these approaches implies a specific role and thus requires different qualities and skills. Table V estimates the varying degrees of economic benefits, human development and structural changes these types of AGs bring about and thus outlines their respective achievements. Each approach indeed possesses a focus of action—some primary goals, objectives and strategies—and a potential/contribution corresponding to its framework. In our opinion, each approach performs some useful functions and has therefore a certain relevance. In fact, these approaches are complementary and should coexist and strengthen one another, in any given society.

One should however think in terms of maximum rather than minimum relevance. Though it is difficult to compare achievements of a different nature— as for example economic benefits, human development, and structural changes—, there is indeed an objective hierarchy of relevance. In spite of divergences of views on some issues, our analysis leaves no doubt that greater human development and more effective action towards structural changes constitute significant steps forward. The tragic situation of our people and the values of humanity and justice make it imperative that every individual, group and organisation take these priorities into account. Even those who remain mainly involved in the first two or three approaches must open their eyes to these broader dimensions and collaborate with those who follow other approaches. While making their specific contribution, they must possess a proper perspective and vision. On the other hand, the consideration of these objective needs and priorities for action should lead many individuals and groups to assume new approaches and responsibilities.

Each approach undoubtedly contains its own limitations and dangers— as for example the creation of additional dependency, the monopolisation of the services by the rich, the strengthening of the system, etc.—, but these should be fought against and obviated by the clear orientation of the AGs, the genuine participation of the poor and oppressed, and a constant concern for conscientisation. Our study therefore concludes that there are

^{79.} See above, pp. 43-4.

several meaningful and complementary involvements for AGs, but also that these involvements possess various degrees of relevance. The objective criteria we have mentioned, the particular needs of a community and its degree of critical consciousness and one's capacities and training, are all important factors to choose one's approach. While trying to become more and more meaningfully involved, each group and individual must possess an overall vision and support those who adopt complementary approaches.

It may be good to add a few remarks on each type of AG. The previous pages have shown that charity and development projects can be meaningfully undertaken by AGs if certain conditions are fulfilled.80 Table VI sums up our findings and lists

TABLE VI

Key Characteristics of Relevant Development Projects⁸¹

- 1. Focus on poor/oppressed regions and groups
- 2. Emphasis on integral (total) rather than sectoral development
- 3. Emphasis on education, self-reliance and human development
- 4. Promotion of authentic values such as solidarity, justice, critical awareness, openness to other communities, etc.
- 5. Maximum use of local resources (personnel, technology. finances, etc.)
- 6. Genuine participation of people (especially poor/oppressed) at all stages of planning and implementation
- 7. Friendly and egalitarian relationships between development workers and people
- 8. Proper training/formation of local leaders
- 9. Concern for conscientisation and political action
- 10. Proper entry point and search for increasing efficiency (proper planning, training, supervision, etc.)

80. See above, pp. 46-7 & 49.

These characteristics are not in order of importance. They are also somewhat applicable to welfare projects. With the help of this table, a questionnaire can easily be built to evaluate the AGs oriented towards charity and development. Other criteria should be added for the other categories of AGs.

the main characteristics required to render a project relevant. The more alive these criteria are in a project, the more meaningful and beneficial will the latter be! According to us, charity/development projects/AGs are relevant if they possess the mentioned characteristics, contain a conscientisation component and remain open to political issues as per criterion9.

Most of these characteristics have been sufficiently explained, but a few additional comments may be help. ul. AGs should serve the poorest regions and groups on a priority basis and thus contribute to correct today's unequal pattern of development (characteristic 1). People's education (3), participation (6) and conscientisation (9), which are not always clearly distinguished, are considered by many authors as the key to meaningful development and social transformation.82 Through projects, AGs should promote the human development of the community—its consciousness, leadership skills, organisational capacities, selfreliance, etc. (3). Much of what is nowadays written about facilitators and catalysts, felt needs, "bottom-up" model, and following people's pace, explicitates the meaning of genuine participation (6). Many authors emphasise the importance of a proper entry point (10) for initial contacts, human development, leadership training, education, conscientisation, organisation, and even sometimes, direct political action.83 By their involvement in innovative projects, AGs can—to some extent—serve today's poor within the present structures and pressurise the system for meaningful changes. They can also create the development alternatives, and form the personnel, required for radical transformation when a revolutionary government finally takes over.84

^{82.} On this, see for example Fernandes ("People's...", pp. xiv, xxx & xxxvii) and Volken H. ("Learning from the Rural Poor", Indian Social Institute, Delhi, 1982, pp. 11-12 & 97-9).

^{83.} On this, see for example Fernandes ("People's...", pp. xxxi-ii), "Health Care..." (op. cit., pp. 125-6), Sethi ("Alternative...", p. 1313) and Volken ("Learning...", op. cit., pp. 113-4). While some writers stress the advantages of health care, Volken has found "community organisation" more conducive to the desired goals. Sethi adds that the "nature of the opposition" should be taken into account.

^{84.} See above, p. 49.

The Future of Action Groups85

Though charity/development AGs possess a certain relevance, SPAGs/NPPFs (approaches 4 to 6 of table V) can evidently play a more significant role. In order to adequately respond to today's challenges, SPAGs must however precise their ideological orientation and clarify their relationship with politics and political parties. Let us now consider these two interrelated issues.

In today's crisis situation, a vague ideology of anti-capitalism and social transformation can no longer suffice. AGs must therefore specify their ideological orientation and strategy. Some authors recommend the adoption of a traditional marxist position. Aaftaab for example writes: "A consistent class-political position, a conscious left-wing stance is now called for. AGs will have, in the first instance, to accept and learn Marxism if they have any dream of social transformation." A clear political stand "is the absolutely immediate need. Then alone can the groups contribute to the process of social transformation in India."86 Forty-five activists thus define their historical role: "From our study and experience we reckon the class character of the society. Strengthening of the oppressed sections of the society and working towards the resolution of class contradictions ensuring the emergence of a truly socialist society is the historical role the AGs are called upon to play. This implies that we have to discern and identify the class struggles from the local upto the national level. In concrete terms it would mean raising the level of political conscious-

^{85.} On this, see especially Aaftaab (pp. 80-8), John (op. cit., pp. 75-6). Kothari ("Grassroots", pp. 51-2), Muricken (pp. 136-7 & 142-3), "Political..." (pp. 105-8), Sheth ("Movements", p. 52) and Wielenga (op. cit., pp. 201-2).

^{86.} pp. 81 & 82. Aaftaab however recognises that the communist parties must also be transformed. John basically agrees with this position. While criticising the CPM intolerance and defending the positive role of AGs, Muricken holds a similar view: "AGs committed to the liberation of the masses must have as their objective the abolition of private property as an essential condition for bringing about social transformation" (p. 142).

ness of the masses, ensuring the emergence of people's power for waging militant struggles for revolutionary change."87

The socialisation of the means of production, the radical redistribution of resources and the capture of political power undoubtedly constitute essential elements of the revolutionary struggle. Yet, as already pointed out,88 an important place must also be given to new dimensions, roles and change-agents. Not only the party but also the people have to play a significant role and ensure the democratic character of the revolution. AGs can moreover begin, in their humble ways, to realise socialism here and now. Volken interestingly comments: "It is clear that only a socialised form of the means of production can serve as a base for both the required increase in production and a just distribution. What remains to be invented is the nature of this socialisation which cannot be blindly copied from elsewhere. While the 'great alternative' lies still in the future, any contribution towards developing the subordinate alternatives is of immense value. most important of these lies in creating new forms of socialist production at the level where it is possible." And the 45 social activists highlight another dimension by pointing out that their "values, styles of life and operation should be consistent with the goals of a truly socialist society."89

Besides adopting a clearly socialist democratic stand, AGs must clarify their relationship with political parties. Let us now examine the often suggested options and gradually explain our own position. First, "AGs have an option to continue as independent groups dealing with people's problems at the micro-level leaving the macro-level questions for political parties to deal with." Such an option would isolate the AGs and tie them down to micro-level problems, thus making them fail "in their role as agents of radical social change. This then should be ruled out."90 Though micro-level action possesses a certain usefulness, AGs

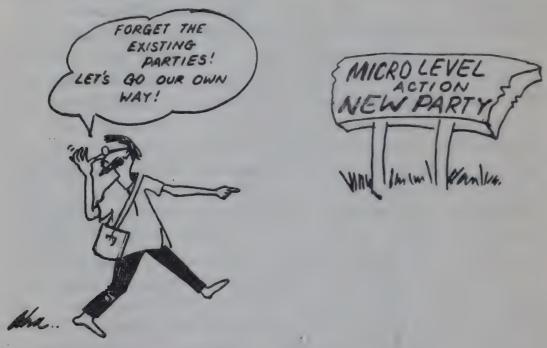
^{87. &}quot;Political...", pp. 107-8. Insisting on a macro perspective, the statement adds: "Revolutionary potentialities of culture in every situation should be brought out to bear upon the political process. AGs should try to grapple with caste-class questions and tribal questions seriously and involve in these struggles wherever possible with a class perspective."

^{88.} See above, pp. 51-4.

^{89. &}quot;Learning...", op. cit., p. 113, and "Political...", p. 108.

^{90. &}quot;Political...", p. 105.

should indeed be faithful to their broader responsibilities of tackling the root-causes of the problems and promoting the needed structural changes.



A Wrong Solution...

The second possibility consists in building a new revolutionary party. This call arises in the context of the manifold splits of the national and international communist movement. Many political groups sprang in the last twenty years in India with this party-building vision. "Each imagined itself to be the nucleus of the true revolutionary party. Any such call today has to take into account the failure of all such efforts." In any case, today's AGs lack the common ideological basis, the widespread and strong base and the political experience to realistically organise such an alternative party.91

The third option lies in joining one of the leftist political parties. The experience of political groups⁹² is enlightening in this respect. Such groups arose with a view to correcting the weaknesses of the left and creating a more relevant revolutionary programme and party. By now, these groups have realised their political ineffectiveness and stagnation, at least with regard to the national mainstream. They therefore face a real dilemma:

^{91.} Aaftaab, p. 84, and "Political...", p. 106.

^{92.} See above, pp. 41-2.

the leftist political parties seem the only organs available for effective macro level action, but the doubt remains whether these parties are amenable to meaningful changes. "Is self-effacement and uncritical acceptance... the only alternative to ineffective Quixotic existence?" 93 In a way, this is also the dilemma of quite a few SPAGs/NPPFs. Conscious of their limitations and vulnerability, they want to join a leftist party for greater efficiency at present and the eventual capture of power. Yet, they hesitate on account of the parties' weaknesses and the latter's reluctance to integrate new contributions. In such circumstances, is it worthwhile to merge and be eaten up? What beneficial results will come out of their death?

It is undoubtedly good that some activists join existing political parties. "Indian politics is crying for infusion of fresh blood, of men and women who combine honesty and integrity with first hand experience of ground forces and organisational skills."94 The time is not however ripe for a large-scale integration of AGs into leftist political parties. First, the parties are not ready for this move, for they lack the spirit of openness and dialogue required for a fruitful exchange.95 Second, most SPAGs are not

^{93.} Aaftaab, pp. 83-8. The author describes at length the problems of political groups and the pros and cons of joining a party, especially the CPI(M). According to him, the consolidation of anti-capitalist forces is "the prime task" in today's crisis. "A close alliance with the communist parties is therefore indispensable" for defensive purposes, while a more positive revolutionary alternative is to be sought and developed during this struggle. These insights should guide both the political and semi-political AGs... In our opinion, Aaftaab overemphasises the need for an immediate alliance with the leftist parties. Today's crisis renders critical collaboration both necessary and urgent, but AGs would not serve better the country-and the socialist cause-by completely giving up their autonomy at this stage. While not significantly altering the balance of power, the unconditional merger of AGs would considerably diminish their possible contribution. Furthermore, why should we insist more on the merger of AGs than that of various leftist parties?

^{94.} Kothari, "Grassroots", p. 51.

⁹⁵ Karat for example recommends the following policy to the CPI(M): "The Party should treat all AGs (i.e., those directly involved in mobilisation and organisation of the people) as political entities... (Those) receiving foreign funds are automatically suspect and must be screened to clear their bona fides. The



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themselves ready for this venture. If their ideological and strategical limitations are not overcome their ioining will not express a firm and clear commitment. Furthermore their "freedom to organize the masses for struggles for justice and critically evaluate and participate in the programmes and policies of the political parties will be weakened."96

Some authors argue from a very different viewpoint. They emphasise that the autonomous existence of VAs and AGs contains distinct advantages, for certain tasks should be performed by independent groups. Politically affiliated individuals and groups "can no longer claim to be impartial, to be objective and be working for the poor because they have other masters." "The effective and successful voluntary organisation has to resist controversial linkages to political formations. Its job is to compel poli-

Party and the mass organisations led by our cadres should exercise vigilance to ensure that activists of these groups do not join our organisations while maintaining organic links with these groups. It is another matter when individuals from such groups sever their connections after realising the pseudo-radical nature of these groups and then approach the Party." (pp. 50-1. cf. above, pp. 37-8).

96. "Political...", p. 106. On this, see above, note 95.

tical formations to subscribe to its aims, and to implement electoral promises when such an eventuality arises... We have to build a more solid non-party assertion on the issues of our age, an assertion that cuts across the mundane divisions of the past, of religion, community and region... It is at the level of popular organisations that the political future in our country will be decided." We need "a significant and sustained stirring of our people in such well-designed, activist organisations." "Independent pressure groups undoubtedly have an important role to play in society.97

The exclusion of these options does not mean the acceptance of the status quo. There is indeed a fourth possibility, that is, the adoption of concrete steps to progressively strengthen the AGs and promote genuine leftist unity98: support of AGs by broad democratic forces, better coordination and cooperation between AGs, as well as deeper dialogue and collaboration between leftist political parties, various mass organisations and AGs. In this process, the parties, organisations and AGs should evaluate themselves and strive to become more relevant. While respecting the historical evolution of all concerned, this fourth option to a good extent answers the urgent need of a common front against repressive forces. 99 Let us briefly explore these realistic measures.

Certain efforts have already been made to support the AGs: "Some such initiatives have been taken by concerned intellectuals, independent academic organisations and new macro-level activist organisations... The main emphasis of these (till now very few) macro-initiatives is not on 'federating' or centrally co-ordinating the grass-roots organisations but to function as macro-forums of debate and action... (They) aim at strengthening and spreading grass-roots efforts, building linkages among them and generating a vertical process of aggregation and impact. "There is a great need to provide support and sustenance, as well as legitimacy, to

^{97.} These quotations are respectively taken from Bunker Roy ("Depoliticising the Voluntary Sector", in "Express Magazine", Feb. 3, 1985, p. 2) and Ramesh Thapar ("Where Are the Organisations?", in "The Illustrated Weekly", Feb. 26, 1984, pp. 56-7).

^{98.} For an introduction to this question, see for example Maliekal J., "Indian Political Parties and Ideologies". CSA. Bangalore, 1978, pp. 62-3.

^{99.} On this, see Aaftaab (pp 87-8). Joseph (p. 25). and above, note 93.

the whole grass-roots phenomenon and thus to broaden it and render it more effective. "A macro-vision is the prime need of these groups and movements and this can be filled only by a growing partnership between activists and intellectuals in the process of social transformation".100

These worthwhile efforts are not however enough. Each AG must become structured and organised so as to be able to take a clear stand on important questions. This can first be done at the local level. Then, several AGs can join and adopt a common stand on major issues at the district or regional level. In the course of time, a national programme and front may even emerge... To foster this process, AGs could "set up a machinery for coordination of their work and interchange of ideas" with a view to "welding the groups into a more cohesive force working on a broadly common plan". 101 AGs can thus progressively grow into taking a firm stand on larger issues, sometimes supporting, or being supported by, leftist parties, mass organisations and concerned individuals.

Wielenga thus comments on the CPM critique of AGs: "One would hope that they (AGs) will not respond to the sectarianism of the big party with the sectarianism of the small group, but that they will commit themselves to the long-term goal of leftist unity in spite of bitter experiences on the local level which have now received official sanction on the highest level... Short-term hopes of fruitful co-operation with established leftist parties (may)* have to be given up. This gives further importance to the various efforts to come to a co-ordination of local groups on the national level. Such a co-ordination is certainly welcome. provided it is not based on the illusion that these groups can offer an alternative all on their own while ignoring the traditional organisations of the working class, and provided that a serious effort is made to come to political and ideological clarification. What is needed is a thorough process of common interaction and reflection in which the political and ideological options are clearly identified."102 In spite of existing difficulties, AGs should avoid an anti-worker, anti-leftist and anti-party stance.

^{100.} Sheth, "Grass-roots..." (p. 262) and "Movements" (p. 52).

^{101.} Joseph, p. 23.

^{102.} op. cit., pp 201-2. *The word "may" has been added to nuance this too categorical statement...

Several authors insist on the need for dialogue and critical collaboration between AGs and leftist political parties. Fortyfive activists for example declare: "The best option for AGs in the existing situation of growing crisis is to offer critical collaboration to one or the other of the left political parties... (This) must include an appreciation of their trade-union work. However, their failure in providing leadership to the working class, keeping in consideration their growing militancy, should be criticised. This should not mean that AGs should pit themselves against the trade unions. In their work, AGs should not make the mistake of dividing the working class. In elections, the nature of the collaboration with the left political parties should be spelt out more carefully. Caution should be taken and no compromise be made on matters of principle in order to just win the elections. A clear cut differentiation should be made between electoral politics and politics of struggle. With the increasing trend towards authoritarianism..., there is need to collaborate with all political parties and non-political organizations for the restoration and extension of civil liberties and democratic rights."103

Critical collaboration does not evidently mean that political parties alone ought to be criticised and changed. On the contrary! In the difficult process of dialogue and collaboration, starting from the local level, parties will share their experiences and theories and will help the AGs to become more efficient. Both the political parties and the AGs will thus grow and contribute to build leftist unity, while respecting each other's special role and legitimate autonomy as well as their divergences of views. Hence.

[&]quot;Political...", pp. 106-7. On the need for collaboration between 103. caste and class struggles, see Maliekal J., "Caste...", op. cit., pp. 96-7. According to John, the AGs should even acknowledge "the primary of leftist political parties". The latter are much ahead in their theoretical knowledge and practical experience. and they alone can provide the leadership in the anti-capitalist struggle. "At the same time, the political parties cannot sustain the struggles without the help of awakened masses." The AGs should therefore help them in this respect. "Of course this is not a one way process. The leftist political parties should also come down from their pedestal and should objectively evaluate the emergence and development of AGs. They should sharpen their theoretical weapon and widen their activities so as to include the awakened masses within their fold and to direct them." (op. cit., pp. 75-6)



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critical collaboration will hopefully serve two purposes. "On the one hand it will strengthen the different micro organisations and, on the other, qualitatively alter the existing macro-organisations for the better. It is only through a combined effort at both levels that a positive process towards development (and structural changes)* can be set underway." 104

Let us sum up and conclude. On account of various reasons, neither the formation of a new political party nor the large-scale joining of an existing leftist party is realistic in the near future. Though micro-level action possesses a certain relevance, today's socio-economic and political situation challenges the AGs to open themselves to broader vistas and to assume greater responsibilities. A certain collaboration between AGs has already strengthened some human rights and environment struggles. In several areas, positive results have also been achieved among Harijans, tribals, women, landless agricultural workers, marginal farmers and fishermen. In the future, better coordination among AGs and widespread, but critical, collaboration with various political parties

^{104.} Sethi, "Alternative...", p. 1315; cf. above, note 74. The author does not speak only of political parties... *The words in the parenthesis were added to broaden this statement.

and mass organisations—while being more akin to leftist forces, AGs should interact with all by their occasional support or opposition—will hopefully enable the AGs to become more efficient in pressurising the State to eschew corruption, authoritarianism and repression, and to secure people's rights. In this process, the AGs will moreover transform themselves and influence the orientations and programmes of various parties and organisations.

Though no longer new on the Indian scene, the AGs may thus continue to grow and perhaps emerge, one day, as a new political party or as a significant force in an already existing leftist party. It is however more likely that the AGs will exercise their main impact by crystallising into various pressure movements, which will ensure greater people's participation in the decision-making process. As already pointed out, independent groups and movements have an irreplaceable and permanent role in society. Yet, it is still too early to predict whether the AGs will succeed to play a major role in radical social transformation. What can and should be done at this juncture is to take stock of this new and hopeful phenomenon, to assess it properly, and to support it by our understanding and action. We hope that this essay will help our readers to be meaningfully involved in AGs—and in their search—and thus to contribute to the building of a better India.

III. Human Rights

John Desrochers

Justice W. J. Brennan thus viewed, some years ago, the human rights situation in the United States: "We do not yet have justice, equal and practical, for the poor, for the members of minority groups, for the criminally accused, for the displaced persons of the technological revolution, for alienated youth, for the urban masses, for the unrepresented consumer—for all, in short, who do not partake of the abundance of American life. Who will deny that... freedom and prosperity is far from won and that ugly inequities continue to mar the face of our nation? We are surely nearer the beginning than the end of the struggle." What shall we say of today's Indian situation and, still more importantly, how can we help our country to evolve towards the goal of universal justice?

To answer these crucial questions. the very concepts of social justice and human rights have to be clarified. Many people wrongly assume that these terms are more or less self-explanatory and universally understood. In fact, however, the understanding of human rights has profoundly changed in the last centuries and, till today, widely differs from society to society and even from social group to social group. For "defining human rights gives rise to many of the sharpest political divisions of our time". This is especially true of the right to private property—which ought to respect the right of all men and women to the satisfaction of their basic needs and an equitable distribution of the earth's goods—and of the right to freedom: "What is freedom, for the individual and for the group? Freedom from what? Freedom to do what? Subject to what restrictions to safeguard the freedoms and rights of others?" 2 Furthermore, legitimate rights

^{1.} Quoted by T.S. Batra, "Human Rights. A Critique", Metropolitan, Delhi, 1979, p. 62.

^{2. &}quot;Rights and Liberties", in "Connexions", Toronto, 1984 no 2, p. 1.

do sometimes come into conflict with each other. How to reconcile, for example, the rights of the local and migrant populations in Assam, and those of the Sikhs and Hindus in Punjab and Haryana? Should the self-determination of various tribal and linguistic groups be permitted when it endangers the unity of the country in India or Sri Lanka? When one speaks of particular countries and concrete situations, human rights issues can become very explosive!

This essay contains three sections: "The Liberal & Socialist Backgrounds", "The Third World & Indian Backgrounds" and "Possibilities of Relevant Action". Our historical survey of the evolution of human rights in the world and in India will clarify some basic concepts and issues and will enable us to understand better how to work for human rights in India today. A comment on human rights declarations may be worth quoting as a last introductory remark: "'Human Rights' have often been used by the economically powerful to better exploit the poor under the camouflage of human considerations. Yet, all these documents cannot be dismissed too lightly either. As far as they indicate the new juridical and cultural superstructures, which nations are attempting to build together, these documents deserve our attention and a careful ideological analysis. If they have been used to camouflage exploitation and a great deal of hypocrisy, they can also be used to promote a new order, respectful of man!"3

The Liberal & Socialist Backgrounds

The notions of justice and human rights underwent a deep historical evolution. In the Greek, Roman and medieval western worlds, justice basically remained the privilege of special groups, such as the slave-owning and "free" citizens and the feudal kings, lords and barons. Other people were subject to the whims of their masters and their individual rights were denied. In Chinese society, ordinary people were more highly considered by philo-

^{3. &}quot;Human Rights", Dossier, preface.

^{4.} For this paragraph, see for example Frenz, O'Grady (pp. 4-6), G. Mathew (in RS 1981 no I, pp. 4-5) and N. Pant ("Theory of Rights", Vishwavidyalaya Prakashan, Varanasi, 1977, pp. 6-10). Frenz presents various understandings of justice, especially in the Indian context.

sophers, but were also often exploited by rulers. In India, the rights of the people were determined by their caste and discrimination was thus institutionalised. Yet, many reformist teachers and movements challenged this system throughout the ages. In all these societies, women were usually held inferior to men. These and other civilisations however contained several precious elements—concern for persons and human dignity, universal love of neighbour, a sense of law and justice, care for the poorest and weakest, etc.—which constituted genuine stepping stones for the modern theories of human rights.

The Liberal Approach

The liberal concept of human rights was progressively developed in Europe.5 It contributed to the emancipation of society from feudalism and to the growth of capitalism. Medieval philosophers already spoke of natural law and the rights of subjects, and of constitutionalism and the liberty of conscience. In the 16th century, the protestant reformation proclaimed the individual conscience as the sole criterion of christian duty. "A new understanding of man... (was) articulated by a wide range of writers from the 17th century onwards. Philosophers and politicians such as John Locke, Adam Smith and John Stuart Mill in England; Voltaire, Diderot and Rousseau in France; Goethe and Kant in Germany; Benjamin Franklin and Thomas Paine in America, argued the meaning of freedom... By the 18th century the liberal ideas had become a significant political force." "In the 18th and 19th centuries rights were thought of almost exclusively in political terms... The taissez-faire individualists were mainly concerned with the realization of some primary and 'fundamental' rights, which were often called 'natural rights'. We hear much about the rights of life, liberty and property, the right of religious toleration, the right to free belief, the right to freedom of speech, etc... For the liberals, 'liberty' was the main theme."6

Liberal ideas were expressed in a series of bills and charters. In spite of their limited content, three English documents greatly

^{5.} For details, see Kashyap (pp. 1-4), O'Grady (pp. 6-10) and Pant (pp. 10-23). The key documents can be found in I. Brownlie (ed.), "Basic Documents on Human Rights". Clarendom Press, Oxford, 1971.

^{6.} For these quotations, see O'Grady, pp. 6-7, and Pant, pp. 249-51.

influenced further developments by their inspiration and terminology: the Magna Carta (1215), the Petition of Rights (1627) and the Bill of Rights (1688). The latter part of the 18th century played a decisive role in the western history of human rights. The 1776 American Revolution solemnly declared: "We hold these Truths to be self-evident, that all Men are created equal and are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness."7 "The Bill of Rights in the form of the first ten Amendments to the Constitution of the United States (1791), and the Declaration of the Rights of Man adopted in 1789 by the French National Assembly and prefixed to the Constitution of 1791, marked the... acknowledgement of the inherent rights of man in the constitutional law of modern States. Thereafter, the recognition of fundamental rights in constitutions became 'a general principle... of civilized States'."8

O'Grady thus assesses the impact of the liberal revolution: "The liberal tradition gave rise to a series of ideas about man and society which established the predominant ideology of modern western society. The discovery of the person as a psychological reality who had some rights and integrity as well as duties was expressed in political forms of democracy, the nation state, the capitalist system and free enterprise." "The liberal revolution came at a time when society was regarded as a collection of individuals whose rights needed protection." Liberalism "established certain individual rights which were available for every citizen, yet in practice these were not often applied..."9 Kashyap adds: "The 'liberal' western ideas of rights and liberties were conceived in a particular socio-political framework, in situations of oligarchy, feudalism and highly restricted franchise. Natural rights and natural law in the context of doctrines of laissez-faire meant basically the right of each individual to freedom of trade and enterprise, equality of opportunity in trade and business, freedom of contract and free competition. Liberty was conceived as absence of interference by the State. Right to property was put on a higher pedestal than right to life itself. Even slavery was

^{7.} Quoted by O'Grady, p. 7.

^{8.} Kashyap, p. 3.

^{9.} pp. 9-10.

justified under rights to property and to freedom of trade, contract and competition." The supporters of freedom and democracy at home moreover subjugated whole nations and followed policies of blatant colonial repression abroad. They thus failed to respect the human rights of all mankind without discrimination of race, colour, sex and creed. 10

The Socialist Approach

The marxist and even the socialist visions of man and society deeply challenged the liberal concepts and brought about a new revolution in the understanding of human rights. 11 This movement indeed focussed the attention on the socio-economic rights of the people. The growing realisation that political and civil rights "could hardly be meaningfully enjoyed unless accompanied by social and economic rights or that the concept of the rights of the individual had to be tempered with the concept, 'Justicesocial, economic and political,' has been a significant development of our times." "The battle has now shifted towards economic rights; and it is keenly felt that without economic security and equality, the concept of individual rights is a mere farce. Political freedom could never be genuine without economic freedom. There is a shift in the emphasis from liberty to equality... To marxists 'liberty' is something which is to be found at the end of the road... through the realization of 'economic equality'. 'Equality' has become the main theme of political philosophy." "The human rights which ought to take priority, in this conception, are therefore economic rights, such as the right to work, the right to medical care, the right to education, in short, the right to a decent and secure social existence."12 The socio-economic/collective/objective dimension was thus added to the political/individual/subjective dimension of human rights and the State was

^{10.} pp. 11-2.

^{11.} For details, see for example Kashyap (pp. 3-4), Klenner's article, J.K. Nyerere ("Freedom and Socialism", Oxford University Press, London, 1970), O'Grady (pp. 10-2), Pant (pp. 249-51), and the articles of Roy and Kurian/Varughese (in RS 1979 no 3, pp. 20-7 & 28-43).

^{12.} Kashyap (p. 4), Pant (p. 250) and E. & M. Weingartner ("Human Rights is more than Human Rights", IDOC International Rome, 1977, p. 95); author's emphasis.

now conceived to play a much more positive role in the establishment of human rights.

Klenner explains the marxist theory as follows: "The totally different manner of approaching the question of basic human rights applied by Marxism is the inevitable consequence of an entirely different kind of social analysis. Whereas the literary tathers of bourgeois human rights assumed that ignorance of these rights, their neglect or disregard were the only causes of all social evils..., Marx and Engels have shown that the root causes of social want are to be found not in the (bad) conscience or (ill) will of people, whether these be rulers or ruled, but in the economic structure of society, i.e. in objective, material and historically inevitable conditions. Under capitalism the social position of the workers is characterized by a triple serfdom-economic exploitation, political oppression and spiritual atrophy—as a resuit of the private ownership of the means of production... The demands raised by the proletariat as a class..., starting with the right to organize trade unions and parties and ranging all the way to the appropriation of the means of production by the producers as well as their right to exercise political power, are... the first real demands for human rights because the class aims of the proletariat are in the final analysis the concern of humanity as a whole." After the revolutionary elimination of capitalist exploitation, the dictatorship of the proletariat sets constitutional classrights "to create the essential conditions for the development of all members of society". These "are, in their totality and their tendency, socialist human rights."13

Marxism does not deny the progressive nature of bourgeois human rights but emphasises their passing significance and ambivalent character. These rights "are an expression of interests, certainly progressive in comparison to feudalism but nevertheless of a bourgeois society which is, alas, also based on the exploitation and oppression of man by man... The history of basic rights

¹³ pp. 11-2, author's emphasis. According to Ajit Roy, "the dictatorship of the proletariat signifies a much greater degree of freedom than the most democratic bourgeois state. The basic function of a bourgeois state is to hold down the vast majority of its population in the interest of the small minority of property-owners, while the dictatorship of the proletariat has to suppress only a small minority or the property-owners in the interest of the vast majority of the toiling people." (op. cit., p. 25).

in bourgeois society is... nothing but a continuing attempt on the part of the ruling class to trim the alleged human rights to a content in line with its prevailing class interests on the one hand and the... efforts of those not in possession of power and prosperity on the other to bring words and deeds in regard to human rights into line, to reformulate them, supplement them and enforce them against the very people officially responsible for implementing them." Bourgeois "rights and freedoms within this coercive society may help to make available more or less extensive opportunities for the development of the individual or the working-class movement." They can be used as weapons to promote revolution, 14

This understanding of human rights can be found in several marxist statements. The "Communist Manifesto" for example asserts: "We Communists have been reproached with the desire of abolishing the right of personally acquiring property as the fruit of man's own labour... but in our existing society, private property is already done away with for nine-tenths of the population; its existence for the few is solely due to its non-existence in the hands of the nine-tenths." And a 1931 Chinese Constitution: "The workers, peasants, Red Army soldiers and the entire toiling population shall have the right to elect their own deputies to give effect to their power. Only militarists, bureaucrats, landlords, the gentry, village bosses, monks-all exploiting and counter-revolutionary elements—shall be deprived of the right."15 Lenin further states that socialist democracy shifts the focus "from the formal recognition of liberties (such as existed under bourgeois parliamentarism) to actual ensuring the enjoyment of liberties by the working people." And Brezhnev: "We counter the distorted and primitive interpretation of the concept of democracy and

^{14.} Klenner, pp. 7 & 11. The author adds: "Just as bourgeois civil rights so their socialist counterparts are not human rights in general but class rights... Socialist civil rights are not absolute rights and neither are the bourgeois versions... (Both) have their limits and are subject to change. Socialist civil rights set down a specific quantum of freedom in a given historical period determined by economic possibilities and political necessities including those in the sphere of foreign policy... The real yardstick of human rights is purely and simply to be found in the degree to which they help hinder or advance social progress in a given area and at a given time." (p. 15).

^{15.} Quoted by O'Grady, pp. 10 & 11.

human rights of bourgeois and revisionist propaganda by a complete and real complex of rights and duties of a citizen in socialist society."16

One can therefore see that human rights concepts are intimately connected with various understandings of man and society. They moreover suggest a model for society and are often projoundly influenced by political ideologies. It is not therefore surprising that each power block—and even the Third World possesses its characteristic vision of human rights and gives its own interpretation of various international declarations. 17 In fact, one should be clear about the full human rights implications involved in the choice of systems", namely, the free market economy and the centrally planned economy. "Human rights is not an atterthought that can be added or subtracted at will from any particular social system, but in all presently existing post-feudal economic systems, the differing conceptions of human rights are embedded in and constitute the driving force of those economies. It follows that particular economic systems are most equipped to guarantee those human rights on which they have been based, for the purpose of which they have in fact been built up."18

The UN Declaration and Covenants

Our historical survey helps us to understand better the international declarations on human rights. "In present-day... relations among States there is a clash of two basic versions of human rights presented in many variations, bourgeois and socialist." Official declarations assert both the civil/political rights and the socio-economic/cultural rights and thus represent "a compromise between the socialist, developing and capitalist countries". 19 "Yes", it was said at the UN, "we agree about the rights—but on condition that no one asks us why." 20

^{16.} Quoted by V.A. Sorin in "GDR Committee for Human Rights. Bulletin", 1977 no 3, pp. 16 & 22-3; author's emphasis.

^{17.} For details, see O'Grady pp. 47-52, and Weingartner's book (op. cit.).

^{18.} Weingartner, pp. 98 & 106.

^{19.} Klenner, pp. 16 & 21-2.

^{20.} Quoted by M.B. Growe, "Human Rights", Veritas Publications, Dublin, 1978 ed., pp. 22-3; author's emphasis.

The UN "Universal Declaration of Human Rights" (1948) "reverses the trend of the earlier liberal declarations. Whereas these asserted freedom from certain restrictions and oppressions, the 'Universal Declaration' takes the next step and asserts some positive rights. That is, the people have rights to some things by virtue of being human. These include education, a reasonable standard of living and health care." Coming in the wake of the human rights violations and atrocities of fascist regimes and World War II, this declaration however remains only a statement of principles or, as it states itself, "a common standard of achievement for all peoples and all nations". "It gives the people a list of basic needs and reasonable expectations... It is a programme for society, a conception of what life could be like if humans were treated with dignity and respect."21

The UN viewed its "Universal Declaration" as the first step in the formulation of an "international bill of rights" that would have legal as well as moral force. It thus adopted, in 1966, two legally binding covenants—"The International Covenant on Economic, Social and Cultural Rights" and "The International Covenant on Civil and Political Rights"—and an "Optional Protocol" to the latter. These came into force in early 1976. A country ratifying the first covenant "acknowledges its responsibility to promote better living conditions for its people. It recognises everyone's right to work, to fair wages, to social security, to adequate standards of living and freedom from hunger, and to health and education. It also undertakes to ensure the right of everyone to form and join trade unions." In contrast with art. 17 of the "Universal Declaration", this covenant does not mention the "right to own property."22

A country ratifying the second covenant "undertakes to protect its people by law against cruel, inhuman or degrading treatment. It recognises the right of every human being to life, liberty, security and privacy of person. The Covenant prohibits slavery, guarantees the right to a fair trial and protects persons against

^{21.} O'Grady, p. 13. The UN declarations, covenants and "Protocol" as well as other international declarations can be found in "Human Rights" (Dossier), Kashyap and Brownlie (op. cit.). For Church documents, see below, appendix 2.

^{22.} For the stand of international declarations on the right to property, see Kashyap, pp. 95-6.

arbitrary arrest or detention. It recognises freedom of thought, conscience and religion; freedom of opinion and expression; the right to peaceful assembly and of emigration; and freedom of association." The "Protocol" gives power to the UN Commission on Human Rights to receive and consider communications from individuals and groups who claim to be the victims of human rights violations.23

In spite of these and other21 praiseworthy efforts, one must unfortunately recognise that the UN "has very few resources for action beyond the sphere of moral persuasion. A nation's leader may blatantly and consistently engage in inhuman acts, but the international community is impotent, chiefly because of the political implications of any action". "The basis on which the UN operates is the concept of the nation-state... No matter how morally offensive a nation's activities may be, the international community cannot intervene, because of the conditional clauses in the UN Charter", especially the "domestic jurisdiction" clause. "The possibility of any nation handing over judicial, security or economic decisions to an international body is inconceivable at the present stage of human development. The nation state is sacred, and all treaties and declarations bow to this god... So long as the inviolability of the nation state is retained, the solution must be found within the nation itself."24

It is fitting to conclude this section with the following words: "In the matter of human rights all countries of the world are at best at the developing stage. Even among the so-called developed

^{23. &}quot;Human Rights", Dossier, pp. 1-2.

^{24.} O'Grady, pp. 14. 13 & 58-60. As Klenner states, "international law does no more acknowledge supranational human rights under the UN than the UN's organs constitute a super State" (p. 19). As already pointed out (above, note 14), "the dominant Eastern understanding relativizes individual rights according to concrete social and economic contexts. We would further suggest that such relativizing of rights is by no means unique to the East, but has become standard practice and behaviour in the West... Just as national security justifies a 'flexible' approach to civil and political rights, so do economic contingencies justify the curtailment of social and economic rights, including the possibility of 'redefining' the meaning of 'full employment'"—suggested to mean less than 7% unemployment in the USA in 1977 (Weingartner, op. cit., pp. 163-4).

countries, there is perhaps none where the human rights may be said to have been fully secured for all men or where they are not violated or subjected to various limitations. In fact, if we look round the world we find instances of blatant discrimination between human beings and violation of basic human rights, Racial discrimination, women's inequality, growing rate of crime, unemployment and infringement of civil liberties of individuals are still affecting millions of people in some of the otherwise most advanced, affluent and developed countries of the world... Recently the U.S. delegate Goldberg regretted that 'grave violations of basic human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief, existed in some of the countries of Eastern Europe'. And the Soviet delegate Vorontsov retorted by referring to telephone tapping, control of news media, racial discrimination, activities of CIA involving invasions of personal privacy, etc." "No country speaks in this area with a clear conscience because none is in such a state of grace that it cannot be faulted for human rights violations."25

The Third World and Indian Backgrounds

The Third World Approach

In Third World countries, "the human rights situation is rendered more complicated by massive problems of economic and social underdevelopment... Economic development... so necessary for the effective realization of human rights, becomes the primary concern of the State and the struggle for liberty itself takes an economic turn. As Professor Ganii's Report... remarked: 'The most pressing objective in the context of human rights should be to attack mass poverty, promote social justice and narrow inequalities.' ... Rigid insistence on abstract civil and political liberties of the individual alone could amount to ignoring the social realities and lead to perpetuation of injustices to the detriment of the common good."26 Third World countries should evidently possess

^{25.} Kashyap, pp. 12-3, and O'Grady, p. 54.

^{26.} Kashyap, pp. 14-6. For an excellent introduction to human rights issues in Asian countries, see "Asian Exchange" 1983 nos 2,3.4. pp. 91-102. This bulletin contains three recent human rights statements and the 1983 "Declaration of the Basic Duties of ASEAN Peoples and Governments" by the Regional Council on Human Rights in Asia.

clear socio-economic priorities, but does the pursuit of their goals necessarily entail the curtailment of civil liberties?

Another aspect of the situation should however be highlighted: "Having attained political independence, these nations are now able to choose between two competing world economies. Wherever the tiny privileged minority has been able to retain its power..., it has usually chosen to continue a market economy, albeit a dependent or neo-colonialist market economy, at the expense of both individual and social rights of the vast majority of the population. These countries..., because of the immense numbers of disadvantaged, and therefore of potentially powerful workers' movements, have often opted for military or civilan dictatorships, strongly aligned with the First World... Wherever popular liberation movements succeeded in gaining power, ... they have usually chosen a centrally planned economy, which necessarily demanded inestimable sacrifices from the population, with social rights taking very elementary forms, and individual rights being indefinitely postponed."27 One should thus ask a twofold question: whose interests do the restrictions on political freedoms promote, and, are such restrictions really necessary?

Third World leaders often justify their stand "by claiming that some lesser rights must be sacrificed in order to achieve economic growth" and that their people, who were not brought up in the spirit of competitive individualism, "understand an assertive leadership better than western-style freedoms." They also strongly denounce the past and present human rights violations of the First and Second Worlds, both at home and abroad, for example through racism. colonialism, neo-colonialism and political interference.28

The Indian Constitution

The modern concept of human rights crystallized some ancient Indian values 29 It was however concretely developed in India in the context of resistance to British rule. From its beginning, the national struggle for freedom was indeed largely directed against racial discrimination—for example in the matter of access to public places, offices and services—and towards the

^{27.} Weingartner, op. cit., pp. 107-8; author's emphasis.

^{28.} O'Grady, pp. 51-2.

^{29.} On this, see above. p. 78. and appendix 3.

securing of basic human rights for all the people, including, among other things, equality before law, protection of liberty, life and property, freedom of speech and press, and right of association. The 1931 Congress Resolution moreover affirmed several social and economic rights such as living wages, healthy working conditions, free primary education, and protection against old age. sickness and unemployment. Many human rights documents of this period should be singled out: "The Constitution of India Bill" (1895), "The Commonwealth of India Bill" (1925), "The Nehru Committee Report" (1928), "The Pledge of Independence" (1930), the Karachi Congress Resolution on "Fundamental Rights and Economic Changes" (1931), "The Government of India Act" (1935) and "The Objectives Resolution of the Constituent Assembly" (1946).30 The issues of parliamentary democracy, socioeconomic justice, human rights and freedoms were extensively debated in Congress, socialist and communist circles, both before and after Independence.31

On January 2, 1947, "Nehru expressed the hope that the Constitution... would bring about the dawn of 'real freedom that we have clamoured for, and that real freedom in turn will bring food to our starving people, clothing for them, housing for them and all manner of opportunities of progress." Political independence was to be completed by economic freedom and a new social order free from exploitation.32 The Indian Constitution covers almost the entire field of the UN declaration and seeks to ensure both the traditional civil/political rights and the new economic/ social rights. After emphasising the principles of socialism, secularism, democracy and republican polity, the Preamble even places "justice" before the famous ideals of the French revolution and gives priority to "social and economic" justice over "political" justice: "WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SO-CIALIST SECULAR DEMOCRATIC REPUBLIC and to secure

^{30.} For details and these documents, see Kashyap, pp. 19-27 & 267-83.

^{31.} For details, see for example S. Ghose. "Socialism and Communism in India", Allied Publishers, Bombay. 1971, and "Socialism, Democracy and Nationalism in India", ibid., 1973. especially chapters 7 & 12.

^{32.} Kashyap, pp. 28-9 & 26.

to all its citizens: JUSTICE, social, economic and political; LI-BERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation..."33

"The Indian Constitution contains a list of fundamental rights which can be enforced by the courts of law and also a list of directive principles which are not enforceable in the courts but can serve as a guide to the states. The fundamental rights... include the negative rights of freedom... The Constitution guarantees the right of free speech and assembly, the right of free worship, the right of association and movement, the right of equality under the law, the right to hold property,* and the right to carry on business. It provides that no citizen of India shall be deprived of life, liberty, or property except in accordance with the law. The minorities are especially protected and the Constitution seeks to protect their language, script and culture." The fundamental rights defend individuals and minorities against arbitrary action by the state and other citizens. "The Constitution abolishes untouchability and provides that no citizen shall suffer any disability in the use of shops, restaurants, wells, roads, and public places on account of religion, caste or sex... The independent judiciary... and the (citizens') right... to have access to the courts to enforce their fundamental rights are the two great pillars of the Indian Constitution."34

The fundamental rights enshrined in the Constitution of India are not however absolute. They "are hedged by many limitations and restrictions and during emergencies certain rights can be suspended." People can for example be deprived of life, liberty and property "in accordance with the law" (arts. 21 & 31). The right to freedom can also be curtailed for several reasons (art.

^{33.} ibid., pp. 29-33. The words "socialist, secular" and "and integrity" were added by the 1976 42nd Amendment. For an elaborate presentation of the Constitution, see D.C. Gupta. "Indian National Movement and Constitutional Development". Vikas Publishing House, Delhi, 3rd. edition, 1976.

^{34.} Ghose, "Socialism, Democracy...", op. cit., p. 238. P.D. Mathew excellently describes these rights in "Do You Know Your Fundamental Rights?" *The right to property was made only a legal right by the 44th amendment (see below, p. 94).

19), and preventive detention imposed (art. 22). Emergency can be declared on account of external aggression or internal disturbance* or threat thereof, and even on account of financial emergency (arts. 352-60). Kashyap strongly supports these measures: "Since we live in society, we have to accept some regulation or limitation of our rights and liberties in the interest of the corresponding rights and freedoms of others or in larger collective interests, such as, national security, public order or general welfare." In fact, all countries legalise such restrictions and the "International Covenant on Civil and Political Rights" recognises the right of a State, in times of public emergency, to suspend certain human rights to the extent necessary (art. 4).35 According to other writers, however, the Constitution is full of anomalies, effects "a curious compromise between contradictory principles". and is "more evolutionary than revolutionary". It provides for the infringement of human rights through its restrictive measures.36 As we shall see, the practical application of these restrictive principles—whether fully agreed upon or not in theory—often gives rise to serious controversies.

Besides fundamental rights. the Constitution contains the "directive principles of State policy". These principles exhort the State to ensure, among other things, that all national institutions be informed by justice, social. economic and political (art. 28): "(a) that the citizens, men and women equally, have the right to an adequate means to livelihood; (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good; (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment; (d) that there is equal pay for equal work for both men and women; (e) that the health and strength of workers, men and women, and the tender age of children are not abused..." (art. 39): that "the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases

^{35.} pp. 35-8 & 62-6. The author sums up the debate of the founding fathers on this issue. *The 44th amendment replaced "internal disturbance" by "armed rebellion" (see below, pp. 93-4).

^{36.} S.N. Roy, quoted by P.K. Sen Gupta, "Amending Indian Constitution", in "State and Society" 1983 no. 4, p. 29), and "India—1947-79...", p. 10.

of undeserved want" be respected (art. 41); and that "work a living wage (and) conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities" be provided to all workers (art. 43). Though not "enforceable by any court", these principles are "fundamental in the governance of the country" and the legislative and executive are asked to apply them in making and administering laws (art. 38). The fundamental rights and directive principles respectively represent the don'ts and do's for the government and the legislature. They are thus complementary and constitute the conscience of the Constitution.37

The Indian Experience and Debate

Human rights questions have been highly emotive in Independent India and were often debated both inside and outside parliament. Among the many issues raised, four can be singled out as particularly important: lack of effective implementation of directive principles, use of emergency measures by the government, frequent and far-reaching constitutional amendments and enactment of many restrictive laws.

The Union and State governments measures to implement the directive principles by and large remained on paper and failed to bring about socio-economic justice. This is clearly borne out by widespread poverty, unemptoyment and illiteracy, widening inequalities; increasing communal tensions, continued and manifold exploitation of workers, women, children, minorities, scheduled castes and tribes. etc. How can our country face and solve its deepening crisis? Are constitutional amendments and new laws necessary? Three emergencies were declared since Independence: in 1962 and 1971 in the wake of the Chinese and Pakistani aggressions, and in 1975 on grounds of threatened internal disturbance. The third one became a traumatic experience for many and created a lively debate. The Congress government claimed that "the emergency was declared to save democracy and the basic social and economic rights of the collective mass of the Indian people". for "the liberty of the weak and the poor masses depended on

^{37.} For details on this paragraph, see Ghose, "Socialism, Democracy...", pp. 238-9, and Kashyap, pp. 38-48. The 42nd Amendment added a list of "fundamental duties" (art. 51A).

the restraint of the rich and the strong elite classes".38 Major constitutional changes were introduced with similar arguments. The Janata and its supporters retorted that, during the emergency, the economic gains were "illusory" or "not substantial", and the fundamental rights denied. The 1977 elections demonstrated that the people of India wanted both freedom and economic growth and rejected human rights violations.39

The founding fathers showed, by the amending provision (art. 368), their desire of combining "stability and change, order and progress" and of making the Constitution a flexible "vehicle of change".40 The parliament often used its power and passed 46 constitutional amendments between 1950 and 1982, 14 of them dealing with fundamental rights in one way or another.41 Let us briefly consider some of the most important ones. The property provisions (art. 31) had proved the most controversial during the framing of the Constitution and remained so afterwards. They caused sharp confrontations and role conflicts between the legislative and the judiciary. They were often used by the richer classes to keep their possessions and many pieces of socio-economic legislation were struck down by the courts. In 1970, for example, two SC decisions declared unconstitutional the nationalisation of 14 major banks and the abolition of privy purses. Three 1971 Acts enabl-

^{38.} Kashyap, pp. 80 & 77.

^{39.} For details on the emergency, see for example Kashyap, pp. 62-94, and John Maliekal, "Indian Political Parties and Ideologies", CSA, 1978, pp. 15-7. K.C. Abraham describes the human rights debate among Christians during the emergency (in RS 1982 no 2).

^{40.} P.K. Sen Gupta sums up the Constituent Assembly debate on amending the Constitution (op. cit., pp. 29-42).

^{41.} For this and the next paragraph, see D.C. Gupta (op cit., pp. 413-6, 462-8 & 643-77), Kahsyap (pp. 144-88), Maliekal (op. cit., pp. 16-7 & 31-2), "India 1983" (Publications Division, Govt. of India. 1983, pp. 572-8) and "Manorama 1984" (Manorama Publishing House, Kottayam, 1984, pp. 401-7). On property rights, see also Ghose ("Socialism, Democracy...", op. cit., pp. 239-50) and Kashyap (pp. 95-104), and on the 42nd amendment. M. Limaye "The New Constitutional Amendments: Death-Knell of Popular Liberties", Allied Publishers, 1977) and G.G. Mirchandani ("Subverting the Constitution", Abhinav Publications, Delhi, 1977).

ed the government to achieve its goals. 42 The 24th amendment—a historic milestone—modified arts. 13 and 368 to remove all doubts regarding the power of parliament to amend any part of the Constitution, including the fundamental rights. The 25th amendment deleted the word "compensation" from art, 31 and enpowered the state to fix the "amount" in case of property takeover, thus removing the question of "adequate compensation" from the courts' jurisdiction. It also added clause 31C to prevent the courts from challenging government legislation concerning the implementation of arts. 39b & c, which include the nationalisation of banks. The 26th amendment abolished the privy purses and privileges of the former rulers of Princely States.

Thereafter, and especially during the emergency, pressures increased to have a fresh look at the whole Constitution and to amend it so as to promote socio-economic changes more efficiently. In the light of the Swaran Singh Committee Report, the 42nd Amendment Act (1976) approved many important changes. Let us mention some of them. Art, 368 was made to bar judicial scrutiny of any constitutional amendments and the powers of the judiciary were greatly restricted in many other ways. The scope of art. 31C was widened to include all the directive principles and to give them precedence over fundamental rights. Clause 31D was also inserted to provide for the prevention/prohibition of anti-national activities and associations and suspended fundamental rights in such cases. 43 Soon after its election, the Janata government reversed most of these provisions with the aim of restoring the balance between people, parliament and judiciary. The 43rd (1977) and 44th (1978) amendments curtailed the unfettered authority of the executive and reestablished the powers of the judiciary by omitting arts, 32A, 131A, 144A, 226A and 228A, and by consequentially altering some other articles. The 43rd amendment also repelled art. 31D on prevention, which had led to many abuses. The 44th amendment moreover strengthened the right to personal liberty by restricting the possibilities of preventive detention (arts. 21-22) and by substituting "armed

^{42.} The 1st (1951) and 4th (1955) amendments had already inserted and modified arts. 31A and 31B to prevent the challenge of land reforms laws.

^{43.} The 1st. 16th (1963) and 39th (1975) amendments had already restricted the freedoms of citizens.

rebellion" to "internal disturbance" as a ground for emergency (art. 352). And the right to property was at last deleted from the fundamental rights and made only a legal right (art. 300A).

The human rights debate evidently goes beyond the Constitution and its amedments and covers the legislative field. In spite of its efforts, the government can be indicted for its failure to play the more active role required for the realization of the positive socio-economic and cultural rights of the people. As already pointed out, today's situation proves that the government has not enacted and implemented the urgently and much needed legislation. Madhu Limaye can therefore take the government to task: "Has social and economic justice been established? Have the citizens been given the right to work? Has the concentration of capital been reduced? Have the principles of decentralisation and local self-government... been respected?... Can our women be said to have secured equal rights?"44 The answers are evidently negative...

Several undemocratic Acts, laws and regulations, which restrict people's liberties, were moreover adopted. To mention a few Acts: Preventive Detention Act (in force from 1950 to 1969); Maintenance of Internal Security Act (MISA) (1971-77); National Security Act (NSA) (1980 onward); and many Preventive Detention Acts, Suppression of Disturbances Acts, etc., in various States. The Indian Telegraph Act (1888) and the Indian Post-Office Act (1898) are still operative and sanction the bugging of telephones and the interception of mail. The Punjab Special Powers (Press) Act (1956) is used since June 1984 to contain the free press in Punjab. The Terrorist Affected Areas (Special Courts) Ordinance (1984), the National Security (2nd Amendment) Ordinance (1984) and the drastic changes in the Indian Penal and Criminal Codes suggest a corroding system which needs draconian laws to maintain itself. The frequent use of ordinances, the various restrictions affecting the press and the workers/people and their organisations, the preventive detentions, police atroci-

^{44.} op. cit., p. 10. On this, see also D.C. Gupta's book (op. cit.) and Kashyap (pp. 124-33). For a discussion of India's "Post-Independence Economic Policies", see John Maliekal, CSA, 1977. For legal explanations on workers' rights, bonded labour, criminal procedures, etc., see P.D. Mathew's series mentioned in the bibliography.

ties and "encounters", the dying of the habeas corpus, the suppression of dissent and the repression of social activists and opposition leaders, etc., are indeed to be understood against the overall background of a State which faces a deepening socio-economic crisis, feels threatened by internal and external forces and becomes more and more authoritarian.45

Today's situation is well described by the statement of a recent conference on "Law as an Instrument of Social Change": "The growth of oppressive structures and... state violence, conniving with local power interests, has led to an erosion of the basic rights of suffering people and socially deprived masses of our country. This provoked the emergence of mass protest groups and organised resistance. This in turn has been met with greater repression and resistance by the state machinery. Minimum assertion of legally guaranteed rights is perceived by the State as a threat... There is a growing tendency on the part of the State to brand such groups as extremists or naxalites and suppress them by use of local police and other para-military forces. Thus democratic demands for basic rights are branded anti-national and dealt with as seditious action (section 124). This is a return to the techniques used by our colonial masters. The obnoxious attitude of the State in dealing with such legitimate struggles as a law and order problem has only resulted in its increasing alienation from the people."46

Another facet of the Indian situation should be emphasised here: "Indira Gandhi's murder has revealed the double collapse: the collapse of the security and civil administration on the one hand and, more serious, a cognitive collapse of norms, values, ideologies and rules of the games. More significantly, this double

^{45.} For details, see "Black Laws...", "Encounters...", "Human Rights" (Dossier), "India—1947-79" and "Lawless Laws", given in the bibliography; and P.A. Sebastian ("Beware of this Law", in IE, Oct. 10, 1984, p. 8), "Ordinances versus Constitution" (in "Mainstream" 1984 no 25, pp. 31-3), and "Repression in Singhbhum" (PUCL/PUDR, Delhi, 1979). "Seminar" no 214 (1977) constitutes an excellent introduction, with an useful bibliography, to "Atrocities". S. Barre ("Should we Legalise Third Degree", in "The Verdict" 1984 no 4, pp. 18-27 & 30) reveals startling facts about police sub-culture.

^{46.} Given in "The Verdict" 1984 no 4, pp. 44-5; statement's emphasis. This conference was sponsored by the Indian Social Institute, Delhi, and the Ecumenical Christian Centre, Bangalore.



Human Rights are anti-national!

collapse has exposed the rise and true face of the counter-community of khadi-clad political thugs, mercenaries of a vast underworld supported by black economy, smugglers, dacoits, and indeed the whole mass of lumpens who took over Delhi and many other cities for three full days. A counter-community is the sum of activised forces of violence, lawlessness, alienation and their perverted mass politics led by a counter elite that is secretly in alliance with power burs in high places... The threat from the rise of counter-community has suddenly loomed large... The lumpenisation of the state has become the greatest problem." Will Rajiv Gandhi succeed to control the twin coalition of counter-community and authoritarianism and usher in the processes of regeneration?47 Will the people of India succeed to do it?

^{47.} J.D. Sethi, "Lumpenisation of the Polity", in IE, Nov. 23, 1984. p. 8. On this phenomenon, see also "Who Are the Guilty?". the 50-page report of the PUCL/PUDR on the Delhi riots. which accuses—and names—several politicians and police officers of abetting and instigating violence; and "Bombay-Bhiwandi Riots—State Patronage to Communal Leaders to Build Mass Rase for Fascism". Revolutionary Workers' Coordinating Committee, Bombay, 1984.

It might be good, before concluding this section, to clarify the viewpoint of the judiciary and civil rights activists on some of the issues we have discussed. According to Tarkunde, the Constitution-makers clearly intended "that the laws which are passed in furtherance of the Directive Principles should not violate any of the fundamental rights". These rights—including the right to property—were indeed limited by the Constitution and did not stand in the way of the directive principles—except for the "compensation" clause of art. 31, which was duly amended in 1971. According to Chief Justice Chandrachud, it is not the judiciary, but defects in the existing laws, that impede socio-economic justice. As we shall see, recent events indicate that the SC can also play a positive role in societal transformation. Tarkunde further argues "that provisions authorising preventive detention in peacetime are contrary to all canons of justice and destructive of civil liberties. No person ought to be deprived of liberty without a fair trial in which his guilt is established in accordance with law. Nor is such action necessary for the preservation of law and order. Ordinary laws, properly implemented, are enough for the preservation of public peace and the maintenance of public order." In short, citizens need protection against arbitrary or ill-conceived constitutional amendments and pieces of legislation...48

Conclusion

The history of Independent India shows that both the parliament and the judiciary can promote people's rights or fail in this task. And that the people of India want their civil/political rights as well as their socio-economic rights. In spite of unavoidable tensions, both sets of rights are necessary and possible together. Emergency measures and curtailment of civil rights are not required to fulfill our socialist goals. Civil rights are moreover relevant to the struggles of the poor for justice. For, as M.M. Thomas wrote, "a destruction of people's right of participation in political process will only destroy their chance of organising themselves to make their influence felt in economic processes and to build themselves as self-reliant peoples. Poverty... can be eliminated only by the struggle of the people." Radical change "needs the pressure of the revolutionary parties and people's struggles from the bottom. It is for this that 'freedom of associations and

^{48.} in IE, 1980, March 6 and Nov. 19, p. 8.

expressions'... is a pre-requisite." 49 Civil rights therefore matter for the poor of India, A commitment to social justice implies and inspires a commitment to civil rights. In short, "we need to maintain both civil liberty and social justice as inseparable parts of human rights. As we cannot divide spirit and flesh in our body, so freedom and bread are integral to each other. If we lose one, we will distort all." "The real issue is not of counterposing these two sets of rights and making a choice between them, but of finding an acceptable working arrangement. The poor man needs both bread and freedom."50

Human rights could also be divided into three categories: "First, the right to be free from governmental violation of the integrity of the person. Such violations include torture; cruel, inhuman or degrading treatment or punishment, arbitrary arrest or imprisonment; denial of fair public trial; and invasion of the home. Second, the right to the fulfillment of such vital needs as food, shelter, care and education... This right can be violated by a government's action or inaction—for example, through corrupt official processes which divert resources to an elite at the expense of the needy, or through indifference to the plight of the poor... Third, the right to enjoy civil and political liberties: freedom of thought; of religion; of assembly; freedom of speech; freedom of the press; freedom of movement both within and outside one's own country; freedom to take part in government."51 Each type of human rights must be respected.

Possibilities of Relevant Action

Time has now come to determine, against this historical back-ground, some guidelines for action. What does it concretely mean to work for social justice in India today? What can practically be done to ensure the human rights of all, especially the poorest? It is evident that the problems are immense and manifold and that nobody can give an exhaustive answer to these questions. Yet, some useful guidelines can be highlighted. To do so, we will first

^{49.} quoted by K.C. Abraham, op. cit., pp. 5-6.

^{50.} Statement by Indian Christians quoted by O'Grady, p. iv, and G. Mathew, in RS 1981 no 1, p. 7.

^{51.} Statement of the Carter Administration, quoted by O'Grady, p. 53, and Kashyap, pp. 17-8. For a list of human rights, see also appendix 4.

try to understand better the struggles that the poor face to obtain justice. We will then reflect on the need and role of people's movements in general, and of the legal aid movement in particular, for the defence and promotion of human rights. And we will finally consider the contributions of various action groups, professions and individuals to the human rights struggle.52



Equal Justice for all!

The Struggle of the Poor

Several authors articulate the manifold difficulties of the poor. A Gnanadason writes: "Brave words like liberty, equality, fundamental rights, civil liberties, freedom of speech mean nothing to 70 to 80 per cent of India's population—landless peasants, tribals, Harijans, workers in the unorganised sector and women." P. Lewis adds: "Even where... (the weaker) sections are organi-

^{52.} Social Justice and human rights should obviously be realised in every field and CSA booklets—especially nos 12 to 17—describe what can be done in the socio-economic, political, trade-union, development, medical and educational sectors. This essay focuses on law. For regular information on this subject, one can consult the following reviews and documents: "Legal Aid Newsletter", "Popular Jurist", "Public Interest Law Reporter", "PUCL Bulletin" and "The Verdict".

sed, the legal and administrative system operates consistently against them... Its structures, procedures and functions are too complicated, time consuming, arduous and expensive to cope with by any one who is dependent on his daily wage to meet his daily needs." Justice is terribly costly and indefinitely delayed. In mid-1984, "about 125,000 cases are pending before the SC, 1.5 mn before the High Courts and over 15 mn before Lower Courts in the . country". According to A. Deshpande, "people are amazed at what they discover in the courts... No amount of moral support and encouragement can neutralise the lack of basic self-confidence and shield people from the cultural shock our Lower Courts invariably give." In short, writes Dhagamwar, "'justice like the Ritz is open to all', that is, only to the very rich who can afford to pay for it."53 To these problems can be added police atrocities, preventive detentions, imprisonments without trial, miserable prison conditions, torture, "encounters", etc.54—all of which afflict mainly the poor.

In their 1982 historic judgment on the ASIAD workers, Justices P.N. Bhagwati and B. Islam of the SC eloquently spoke of the legal rights of the poor and of their present plight: "The Rule of Law does not mean that the protection of the law must be available only to a fortunate few or that the law should be allowed to be prostituted by the vested interests for protecting and upholding the status quo under the guise of enforcement of their civil and political rights. The poor too have civil and political rights and the Rule of Law is meant for them also, though today it exists only on paper and not in reality... Civil and political rights, priceless and invaluable as they are for freedom and democracy, simply do not exist for the vast masses of our people. Large numbers of men, women and children who constitute the bulk of our population are today living a sub-human existence in conditions of abject poverty: utter grinding poverty has broken

^{53.} For details and these quotations, see respectively "Human Rights and Women's Concerns" (in RS 1981 no 1, p. 14), "The Law and the Unorganised" (in "Popular Jurist" 1984 no 2 and "The Verdict" 1984 no 1. p. 14), "Cases pending before courts" ("Statesman", Sept. 18, 1984), "Training Barefoot Lawyers" (in "Mainstream" 1984 no 25, p. 30), and "Law and the Oppressed" (ibid... no 32, p. 25). On this, see also P.D. Mathew ("Legal Aid...", p. 1) and "India—1947-79", p. 15.

^{54.} For references, see above, note 45.

their back and sapped their moral fibre. They have no faith in the existing social and economic system. What civil and political rights are these poor and deprived sections of humanity going to enforce?"55

"Courts are not meant only for the rich and the well-to-do, for the landlord and the gentry, for the business magnate and the industrial tycoon, but they exist also for the poor and the down-trodden, the have-nots and the handicapped and the half-hungry millions of our countrymen. So far the courts have been used only for the purpose of vindicating the rights of the wealthy and the affluent... The time has now come when the courts must become the courts for the poor and struggling masses of this country. They must shed their character as upholders of the established order and the status quo. They must be sensitised to the need of doing justice to the large mass of people to whom justice has been denied by a cruel and heartless society for generations."56

Let us now see how the poor can obtain justice and secure their human rights.

People's Movements

Some writers rightly emphasise that the safeguard of human rights ultimately depends on public awareness. "'This much I think I do know— that a society so riven that the spirit of moderation is gone, no court can save: that a society where that spirit flourishes, no court need save; and that in a society which evades its responsibility by thrusting upon the courts the nurture of that spirit, that spirit in the end will perish.' Thus... the ultimate protection of civil liberties and the citizen's rights against encroachments made by laws like the NSA... cannot be obtained merely by the magnanimity of the executive, the farsightedness of the legislature or the constant policing by the judiciary. The protection can only be obtained by the spirit of moderation in the citizens of the Republic. This spirit which is the hallmark of any mature democracy, has to be carefully developed and nurtured and, above all, unequivocally expressed. And this can only be made possible when there is the awakening of the moral responsibility of the citizenry. For once this moral awakening is accomplished, our

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^{55.} in "How" 1982 no 8, p. 16.

^{56.} ibid., p. 17.

legislators will have no option but to listen to the accompanying spirit of moderation, and be bound by it."57 It can moreover be said that all citizens are responsible for the human rights of the poor, for the latter are so much discriminated against.

Other writers go further and deeply link the protection of human rights with the organisation of people's movements. In the words of Renuka: "The extent to which the oppressed and the vulnerable sections can win their rights is critically dependent and directly related to the level of their organisation and the stage of their consciousness... The trade union movement, social workers, voluntry action groups and all other concerned sections" must therefore "work to ensure that the workers are organised so that they may exercise their rights." And of B.C. Moses: "If our goal is the social transformation of our country, then, our major work and faith should be in the field, educating, helping the people to organize themselves to fight for their political, social, legal and economic rights. To this goal we can contribute by providing them with social, political and legal education. And this, we think, should be our primary concern. Resort to law courts can only be supplementary in nature to our main task of organisation and education."58

B. Wielenga defines social movements as "mass-based people's organisations" "not controlled by political parties or social service agencies. There is a wide variety of such movements, ranging from urban outcasts to tribals in remote rural areas... Their struggle is a comprehensive one, directed against economic, social and political injustice at the same time. Though the emphasis may differ from place to place, these movements have developed out of the experience that economic exploitation, social discrimination, and political oppression are interconnected... (They) fight the economic injustice, mainly of landlords and merchants, the social injustice, mainly of caste oppression and women's discrimination, and the political power-structure which supports and maintains both." According to the already mentioned statement on "Law as an Instrument of Social Change". today's "situation has created the emergence of people's movements which express the aspira-

^{57.} P.P. Tripathi, in "Seminar" no 302, p 42, quoting Judge L. Hand.

^{58.} in "How" 1982 no 8, p. 2, and "The Verdict" 1984 no 3, p. iv. On the overall importance of people's movements, see the forth-coming CSA booklet, "Mass Movements and Mass Organisations".

tions and struggles of the people to secure their basic guaranteed rights. The last decade has seen a sudden spurt of such movements, some radical/militant distrustful of the efficiency of existing institutions to meet the need of the people, and other groups that work within limited areas and on localised issues."59

People's movements and action groups need a realistic understanding of the relationship between human rights and power. Instead of being enthralled by political, juridical and religious theories and of accepting their claims of justice at face-value, they should critically consider whether justice is done in practice. They should realise "that ideas alone cannot bring justice. What is needed is power. Injustice is suffered by those who are weak, who have no economic, social and political power to protect themselves... Justice cannot be achieved without a shift in the power-structure, without a levelling of power through a reversal of forces. It is not just a question of widening the scope of development, uplifting the poor and giving the have-nots a share without affecting the haves... We can't get justice that easily... What the poor and hungry really need is the power to secure their share of what is available... There is no real uplift of the down-trodden without a putting down of the mighty from their thrones... The meek cannot inherit the earth without the ruthless being deprived of their power. The last cannot become the first without the first becoming the last. Struggle for justice means ... strengthening the weak and weakening the strong."60

The conscientisation and organisation of the people is moreover more fruitful if backed by a proper understanding of human rights issues. The following knowledge is thus very helpful: types of human rights; their religious and humanitarian roots;61 their connection with different visions of man and society and, consequently, with different ideologies, systems and class positions: their constitutional and legal recognition in our country as well as their main abuses and the possibilities of redress; etc. Social activists and groups should also possess clear moral principles with regard to human rights questions such as the hierarchy and relationships between various rights, preventive detention, and the use of force/pressure and even violence by the State or

^{59.} in Frenz, p. 156, and "The Verdict" 1984 no 4, p. 44.

^{60.} Wielenga, in Frenz. pp. 159-60. The author stresses that this is the biblical —and marxist—concept of justice.

^{61.} Appendix 3 can help us to reflect on this question.

the revolutionary movements. Since human rights are extremely important for mankind, but also complex and sometimes conflictual, their pursuit demands much strength, diplomacy and wisdom. A narrow-minded and fanatical/communal understanding of the rights of an ethnic, caste, religious or linguistic community61a unfortunately blocks all possible dialogue and leads to insoluble conflicts and untold sufferings. In the deeply pluralistic and explosive context of India, human rights activists and movements must always remain sensitive to the rights of other communities and to the exigencies of the common good.62

Some people's movements legitimately concentrate on the socio-economic or cultural rights of certain social groups such as workers, women, tribals, minorities, etc., while other organisations as legitimately focus their attention on civil/political rights or cover both these sets of rights from a legal angle. Trade-unions, dalit and tribal movements. Amnesty International (AI), PUCL, PUDR, legal aid organisations, etc.— all have their own contribution to make. This specialisation notwithstanding, all people's movements should become more sensitive to the overall struggle and support each other. Let us now continue to focus on the legal and civil rights dimensions of the struggle...

⁶¹a. Minority rights can sometimes be used against the common good and minority institutions can sometimes act against human rights under constitutional cover. For a discussion of this issue, see for example "The Verdict" 1984 no 2, pp. 4-6, and S. Lourdusamy. "On the Need for a Hard Look at Minority Rights", in "Public Interest Law Reporter" 1984 no 4, pp. 15-8 & 21.

^{62.} In his analysis of Indira Gandhi's foreign policy on human rights. A.G. Noorani quotes Prof. S. Hoffman and rightly remarks: "The key question for a genuine human rights strategy... is, in every case: how can one, from the outside, best help to promote human rights and to curb violations... There is no contradiction between concern for human rights and a policy of cooperation. This blend of concern and cooperation. without any abrasive rhetoric, should govern Indian diplomacy be it in regard to Sri Lanka or Pakistan... Moral modesty and political prudence are the hallmark both of genuine concern for human rights and a diplomacy calculated to serve the interests of the country." ("Diplomacy of Human Rights", in IE, Oct. 29, 1983, p. 8). The need for firmness notwithstanding, a similar restraint should be exercised by human rights activists and movements within the country.

The self-understanding of AI clarifies some civil rights principles and delineates a specific task: "AI is at once a movement and an institution. It was founded in 1961 in the belief that every person has the right to hold and to express his convictions and has an obligation to extend the same freedom to others. Accordingly. Amnesty works for the release of men and women imprisoned anywhere for their beliefs—religious, political or other or for their ethnic origin, colour or language, provided that they have not used or advocated violence. They are called 'prisoners of conscience'. But Amnesty advocates fair and early trial for all such prisoners, regardless of whether they have advocated violence or not, and urges that they be properly treated while they are in jail awaiting trial. It opposes the use of torture and the death penalty in all cases and without any reservation. It is a worldwide human rights movement which is completely independent of any Government and of any ideological, political. or religious group."63

In a 1980 report, Ravindranath made some pertinent observations for civil rights organisations at work in India. When warning against threats to civil liberties. "it would be useful to know a little more precisely where the sources of danger lie. The truth is that abuse of power by the executive is only one, though the most perceptible and potent one, among many hazards. Using violent or coercive methods to press narrow sectional demands against the larger good of society; deliberate disruption of essential services like water supply, transport and hospitals: wanton destruction of public property; communal and other pressure groups which intimidate public servants from doing their duty—all these are inimical to the democratic way of life. Civil liberties will be the first casualties in a breakdown

^{63. &}quot;The Basic Facts", AI, Indian Section, Delhi, p. 1. This 15-page leaflet constitutes an excellent introduction to AI. The PUCL thus explains its work: "Though a Delhi-based organization, it also helped to strengthen the civil rights movement outside Delhi. Wherever it could, it tried to investigate into cases of assaults on democratic rights, whether it involved Muslims in Aligarh, peasants in AP, tribals of Bihar, workers of Faridabad, fishermen of Goa or students of Delhi or Indian immigrants abroad. However feeble its attempts have been, it has tried to safeguard the democratic rights of the people and protested against the arbitrary actions of the authorities, irrespective of the party in power." ("India—1947-79", outside back cover).

of law and order. The mob is no respector of fundamental rights." "There is also the problem posed by extremist activities... While defending the human and civil rights of political dissenters, the watch-dogs of democracy have to make it clear where they stand in regard to the cult of violence propagated by some of them, lest there should be confusion of values. The question is not irrelevant because adventurists of the ultra Left or Right believe in the power of the gun-barrel and aim at a system where there will be no place for dissent. What sort of civil liberties can a people expect under Pol Pots or their fascist counterparts?"64

"It is naive to expect pure civil liberties to flourish in an environment of deepening social and economic crisis. vast disparity in living conditions, mounting corruption and crime." A civil rights organisation should not therefore ignore these larger issues. "The country needs a dynamic movement of enlightened men and women to defend civil liberties as well as to make the people well aware that the rights of citizenship entail certain responsibilities also. It can be a healthy check on power-drunk governments and pressure groups acting against the national interest. It can apply a healing touch in national affairs wherever it is needed. But such an organisation must guard itself against entanglement in partisan politics of any sort."65

The struggle for human rights in multi-dimensional. Speaking of the three "phases of an inter-related and continuing struggle", Renuka emphasises some important tasks of people's movements. "The first phase consists of the struggle for appropriate provisions... in the Constitution... It is necessary to struggle for the defence of those provisions in the Constitution which could be employed in the defence of the rights of the exploited. To the extent that existing provisions... are inadequate, it is necessary to compaign for changes and modification in these articles."66 The right to work should for example become a fundamental right and the clause of art. 22. which permits preventive detention, should be delated. The rights to referendum and participation in the functioning of the State67 as well as the rights

^{64. &}quot;The Liberal Dilemma", in the IE. Dec. 11, 1980, p. 8

^{65.} ibid.

^{66.} in "How", op. cit., p. 1.

^{67.} The above mentioned points are listed by Tarkunde in "Human Rights", pp. 7-10. The author also wants to re-introduce the right to property as a fundamental right.

to conscientious objection, dissent and privacy should be added. And the rights to life and a worthy manner of living—including food, clothing, housing, medical care and necessary social services (art. 25 of the UN declaration)—and to freedom of the press68 should be strengthened. Popular campaigns could and should be organised on such issues.

"The second phase of the battle pertains to enactment of laws which reflect truly the letter and spirit of the Constitution. This calls for intervention in the legislative process by organisations which are not represented within the Central and State legislatures... It is necessary to create awareness as well as institutions and plateorms" for such interventions.69 Popular campaigns must denounce, and pressurise the legislators to abolish, the oppressive legislation already existing.70 They should also promote, and pressurise the legislators to pass, the much needed liberating legislation. Tarkunde for example speaks of radical reforms with regard to prison conditions and the prolonged detention of undertrials, the electoral system and government corruption. He moreover thinks that police atrocities "can be halted if the principle of vicarious liability of the State for the tortuous acts of its servants is legally recognised."71 The laws against social and economic offences— such as hoarding. black money, adulteration, bounded labour, non-implementation of mi-

^{68.} On this, see "India—1947-79", p. 19. The 1984 Janata manifesto promises to bring about 7 major constitutional changes. These are "inclusion of right to work as a fundamental right; specific functions to panchayati raj institutions; creating state finance commissions for division of state revenues between them and the Centre, a statutory status to the minorities commission, power to the scheduled castes and scheduled tribes commissions to effectively influence the state and local administration; creation of a civil and fundamental rights commission; autonomy to AIR and Doordarshan along with freedom of information" (in IE. Dec. 6, 1984, p. 1).

^{69.} Renuka, op. cit., p. 1.

^{70.} Several examples were already given (above, pp. 94-5). Other instances should be specified with regard to children, women, workers, minorities, scheduled castes and tribes, etc.

^{71.} op. cit., pp. 7-10. The 1984 Janata manifesto also calls for substantial reforms in the structure of political parties and promises a law banning defections. The 52nd constitutional amendment (1985) outlaws defections.

nimum wages, rape, dowry, caste discrimination, etc.— should become much more stringent, and the positive legislation to foster greater economic equality— with regard to possession of land or other forms of property, income, availability of medical and educational services, etc.— much more thorough. Pressures should similarly be made to transform the judicial system...

Renuka continues: "The third phase of the struggle consists of vigilance about correct implementation of laws. More often than not, provisions of laws enacted for the well-being of the people are sabotaged, flouted and circumvented by non-implementation or perverse implementation." Even a good legislation can often be implemented only by direct mass agitation. In his essay, Tarkunde repeatedly stresses the need of popular education, support and organisation for the implementation of existing laws. He explicitly refers to this role of the people when dealing with civil liberties, legal reforms, government corruption, land reforms, and social reforms. The same shall soon see people must discover their legal and welfare entitlements, fight against political and administrative corruption, and thus get what is theirs. Legal education should inspire and strengthen peoples movements to work for the correct implementation of laws.

Renuka therefore concludes: "It is necessary to wage struggles to enable the people to intervene in all these phases effectively. The importance of the struggle lies not only in what is achieved in terms of provisions in the constitution or in legislation. More than that, it lies in the moral climate it creates in the society against the injustices to the oppressed sections, and the allies such struggles win for them in other classes. Campaigns during these phases also help raise the level of consciousness of the oppressed sections and enable them to internalise the legitimacy of their demand. These campaigns are bound to accelerate the process of organising the exploited sections which is crucial to the success of the goal of socio-economic transformation."73

The Legal Aid Movement

Law can either be "an agency of social control" or "a cata-

^{72.} in "How", p. 2, and "Subhoomi", pp. 7-10.

^{73.} op. cit., p. 2.

Indian history. The people of India, especially the poor, would like their legal system to promote both their socio-economic and civil rights. According to them, law should be a change agent and play a revolutionary role. It is however often kept in chains by the executive, legislative and judiciary... How can the people of India make the legal system promote social justice and human rights?



Equality before the law!

The recent conference on "Law as an Instrument of Social Change" attributes a positive, but limited, role to law, that is, to help people gain the maximum from the present system.75 Justices Bhagwati and Islam go further: "The task of restructu-

^{74.} J.S. Augustine, in RS 1973 no 1, pp. 14-7. For an interesting analysis of law along marxist lines, see A. Hunt's article in "The Verdict" 1984 no 2, pp. 39-43. According to the author, law in capitalist society is "a system of ideological-coercive domination". Legal "coercion is applied to protect and reinforce the property relations" and the state itself. "Law is ideological in that it conveys or transmits a complex set of attitudes, values and theories about aspects of society."

^{75.} For details, see appendix 5.

ring the social and economic order so that the social and economic rights become a meaningful reality for the poor and lowly sections of the community is one which legitimately belongs to the legislature and the executive, but... (their initiatives) would not be enough and it is only through multi-dimensional strategies including PIL that... social and economic... programmes can be made effective. PIL... is essentially a co-operative or collaborative effort on the part of the petitioner, the State... and the court to secure observance of the constitutional or legal rights, benefits or privileges conferred upon the vulnerable sections of the community and to reach social justice to them. The State... should be as much interested in ensuring basic human rights... as the petitioner... The state... should in fact, welcome PIL, as it would give it an opportunity to right a wrong or to redress an injustice done to the poor and weaker sections of the community whose welfare is and must be the prime concern of the State."76 If the State is not cooperative and interested, the petitioner and the judiciary thus pressurize it to ensure the human rights of the poor. In this way, law challenges the establishment.

The 42nd Amendment Act (1976) introduced a new article (39A) on "equal justice and free legal aid" in the Constitution: "The State shall secure that the operation of the legal system promotes justice on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities." Legal aid is not charity but a fundamental right of the people! The government of India has therefore set up, in 1980, a Committee for Implementing Legal Aid Schemes under the Chairmanship of Justice Bhagwati of the SC. In the following years, State Legal Aid Schemes were also organised.77

"Legal Aid" should however be properly understood. Justice Bhagwati explains it as follows: "What we really need is a legal service programme which is designed to change... (the) existing law and social structure and particularly the distribution of power within society, because these are the factors which effectively prevent the poor from sharing in the processes and benefits of deve-

76. in "How" 1982 no 8, pp. 16-7.

^{77.} For details and addresses, see P.D. Mathew's booklet, "Legal Aid...". A "Legal Aid Newsletter" is published by the Bhagwati Committee.

lopment." "The traditional legal service programme is confined in its operation to problems of corrective justice and is blind to the problems of distributive justice... If we want to bring about socio-economic change in the country through the process of law, then a preventive legal service programme is more important and essential than the traditional court-oriented legal service programme." This programme endeavours to eliminate various kinds of injustices, which the poor, as a class, suffer because of poverty, and even to launch a frontal attack on poverty. It does not merely involve a quantitative extension of traditional legal services to the poor, but requires a qualitative and radical change in the whole emphasis, aims and functioning of the legal service programme. "The problems of the poor are very often not individual problems, but class problems and cannot be effectively solved by dealing with them on a case to case basis." 78

M. Menon develops these views: "Litigation is just one among many strategies of legal aid. And in our context it should be sparingly and discriminately used... Given the cost, delay and uncertainty of the judicial process, litigation for solving every problem of the poor might result in aggravating their sufferings while denying them the benefits through unending legal battles. Land reform litigations are illustrative of this experience. At the same time, test cases, class action suits, PIL against unjust laws and administrative practices, are important and should be a major strategy of legal aid... Non-litigative legal aid, which should form the core of legal aid schemes for the poor, must contain: (a) legal literacy programmes (possibly as an adjunct to adult literacy scheme), (b) socio-political mobilisation of the poor for voluntary legal action, (c) preventive legal services by way of advice and conciliated settlements..., (d) steps for reforms of laws unjust to the poor and (e) monitoring the implementation of welfare schemes and informing the public and people's representatives of the inadequacies in them. These are legal aid activities perhaps of greater importance to the poor as a class than litigative legal aid in individual cases."79

The ISI legal aid programme also exemplifies what can be

^{78.} Quoted by A. de Souza, in "Relevance of Christianity in India Today", Jnana-Deepa, Pune, 1984. p. 14, and by the IE, Oct. 24, 1982, p. 3.

^{79. &}quot;Justice Without Lawyers", in IE, June 1, 1984, p. 8.

done: "The Indian Social Institute has recently started a legal aid programme to promote social justice among the weaker sections of society through legal education and legal action. As an educative and preventive programme, one of its main objective is to conscientise marginalised sections of society and to support them in organising their movements to demand their legal rights. Promotion of legal literacy, dissemination of legal information, study of legal problems affecting communities, conducting socio-legal surveys and research regarding the working and effectiveness of legislation, training of para-legal personnel, protection of civil rights, legal action against violation of human rights, promotion of PIL, etc., are some of the major aspects of this programme... A dynamic multi-dimensional legal aid programme can provide justice to the poor, initiate reforms in the legal and judicial system, raise the legal and political consciousness of the masses and give strength to the weaker sections in their organised struggle for justice."80

Some elements of legal aid programmes may require more explanations. "Legal aid camps have come up as a convenient technique of social mobilisation, problem identification, monitoring of welfare implementation, dispensation of legal awareness, prevention of exploitation and negotiated settlement of outstanding disputes... A team of legal aiders consisting of lawyers, social workers, local government officials (revenue, police, labour, education and social welfare) and judges... divide themselves into a number of cells for specialised services related to the local problems. Sometimes a socio-legal survey of the area will have preceded the camp. In each cell people with grievances are interviewed, problems identified, advice given and in suitable cases instant administrative help rendered... Familiarity of the laws relevant to the life of the people in the area is also given through audio-visual aids, talks and printed pamphlets."81

"Another manifestation of non-lawyer involvement in legal aid are the 'rural-urban entitlement centres' where systematic auditing of welfare administration is made to ensure that what is promised in the laws is delivered in the field. In these entitlement centres. activist social workers have exposed the tall claims of the

^{80.} P.D. Mathew, "Legal Aid...", pp. 37-8. On the conscientisation and organisation of people through legal aid, see also appendix 5.

^{81.} Menon, op. cit., p. 8.

administration and thereby compelled them to provide for the minimum needs and services to which people are entitled. Manned by non-legal social workers, these entitlement centres have been provided with legal support from legal aid organisations which sometimes have resulted in effective PIL. Even otherwise, acting as pressure groups and discharging preventive and watchdog functions, they often succeeded in helping the poor to get their entitlements. Investigative journalism provides an effective supportive role to this entitlement strategy of legal aid."82

People's courts can also make an useful contribution. "The concept of Lok Nyayalaya (or Lok Adalat) (people's court) is based on dispensing quick, inexpensive and impartial justice in an atmosphere of mutual amity and goodwill. The Lok Nyayalaya movement has a precedent in our age-old Nyaya Panchayat System. The panchas of a community, village or an urban mohalla invite the disputing parties, hear them patiently and then resolve the matter in a climate of mutual understanding and compromise which results in goodwill." Nyaya panchayats should be revived to provide justice at the people's door-steps. People's courts can be manned by retired judges, practising advocates and academicians, while other trustworthy persons can serve as conciliators and coordinators. In people's courts, "no efforts are spared to listen, explain, persuade, negotiate and resolve the dispute. Acrimony is set aside, the real issues are sorted out and narrowed down to the basics and then remedial measures in an atmosphere of give-and-take are explored until the parties see reason and the desirability of mutually reconciling their disputes with justice to all and malice to none... If the case is settled, the terms of settlement are written down and signed by both parties." Though not binding in law, such arrangements have a moral sanction. Experiences prove that people's courts can help settle disputes, prevent costly litigation, provide legal aid to the poor, and involve people in the administration of justice.83

^{82.} Ibid. The recent Bhopal tragedy shows the importance of legal education. Big companies often escape liability in such accidents, because the victims are unaware of their rights and fail to demand full compensation. (M.J. Antony, in IE, Dec. 7, 1984, p. 9).

^{83.} The quotations are taken from M.B. & L. Shah, "Justice Outside the Courts", in IE, May 6, 1984, p. 6. For details and examples of people's courts in Gujarat, Bombay and Delhi, see also "Vo-

We have already said much about PIL. Justice Bhagwati completes our information with the following remarks: "PIL which is a strategic arm of the legal aid movement and which is intended to bring justice within the reach of the poor masses... is a totally different kind of litigation... PIL is brought before the court not for the purposing of enforcing the right of one individual against another as happens in the case of ordinary litigation, but it is intended to promote and vindicate public interests which demands that violations of constitutional or legal rights of large numbers of people, who are poor, ignorant or in a socially or economically disadvantaged position should not go unnoticed and unredressed. That would be destructive of the Rule of Law which forms one of the essential elements of public interest in any democratic form of government."84

Since the SC has simplified the legal procedures for PIL and has "enlarged the concept of locus standi to include the rightful concern of other citizens (and organisations) willing to espouse the cause of their less fortunate countrymen", several PIL cases have been filed: "the undertrials of Bihar, blinding of prisoners in Bhagalpur jail, eviction of pavement dwellers in Bombay, violation of the provisions of labour laws by contractors engaged in Asiad Projects, children in jails, safety measures in mines, the release and rehabilitation of bonded labourers", ban on harmful drugs, provision of housing facilities in Bombay, rights of tribal women and stone-quarry workers, etc.85 One should however recognise the severe limitations of PIL-for example, court delays, non-implementation of decisions, small number of cases, restriction to SC and High Courts, indifference and even opposition of many government agencies, law circles and elite groups _86 and understand that PIL is only one of many strategies.

luntary Action" 1981 no 7, pp. 300-4; IE, April 19. 1983, p. 8; and "The Statesman", June 6, 1983, p. 5. On the interesting efforts of China to organise people's courts, see S. Chatterjee, "China's Law Courts and Lawyers", in "The Verdict" 1984 no 1, pp. 35-40.

^{84.} in "How", op. cit., p. 16. On PIL, see above. pp. 109-11.

^{85.} P.D. Mathew, "PIL", p. 1, and "Legal Aid...", p. 30. For details and other examples, see especially "How" (op. cit.), P.D. Mathew ("PIL"), and the articles of G. Pardesi and N. Haksar in "Public Interest Law Reporter" 1983 no 1, pp. 1-10.

^{86.} For details, see P.D. Mathew ("PIL", pp. 15-7; the author also

P.D. Mathew's conclusion on PIL invites us to look at the legal aid movement in a broader perspective: "Social transformation in India is possible only through mass awakening and social action of the people. Social activists, voluntary organisations, courts, judges and lawyers, journalists etc., can play a major role to activate and accelerate it. To rely entirely on PIL or courts for social revolution is wishful thinking. Social activists or voluntary organisations must use PIL in the context of popular movements and social action, as a supportive element only. The Courts and PIL have their own limitations."87 One should indeed be realistic in assessing the possibilities of legal aid education, legal aid camps, entitlement programmes, people's courts, PIL, etc. Taken in isolation, these efforts are certainly worthwhile but bear only limited results. In this sense, some of the quotations of this section are probably too idealistic... The greatest significance of the legal aid movement however lies in its contribution to the building of people's movements. As part and parcel of people's movements, the legal aid movement can undoubtedly bear important and lasting results.

Role of Action Groups, Professions and Individuals

Various action groups, professions and individuals possess their own possibilities of action, and responsibilities, in the manifold struggle for social justice and human rights. Let us now review some of them.

Social Action Groups

Legal aid groups and other social action groups88 can greatly benefit from collaborating with each other. The latter will for

reflects on "what is to be done to put PIL on a sound footing", pp. 18-20), "The Verdict" (1984 no 3, pp. iii-iv) and Haksar's article (op. cit., pp. 9-10).

88. This booklet has analysed their main orientations and impact (above, chapter II).

^{87. &}quot;PIL", p. 23. An editorial of "The Verdict" also states: "Though we recognise the class character of the institution of law in a class society we are also aware of the extent to which this instrument of law can be used as a supportive weapon in the democratic struggles of the working people against growing trends of monopoly, authoritarianism, falsification and mythification" (1984 no 1, p. 4). Mathew gives the addresses of several voluntary organisations and individuals promoting PIL (pp. 20-3).

example learn how the law can help them to defend more effectively people's rights. They will also discover various legal issues which can be used to conscientise and organise people. On the other hand, legal aid groups will profit from the close contacts that other action groups have with people and learn from their understanding of people's problems. Legal issues will be referred to them by various individuals and groups. Their specialised services will thus be inserted into the wider struggle.

P.D. Mathew thus visualises the possible collaboration to implement a legal aid scheme: "Social action groups working in slums, rural or tribal communities are motivated to form coregroups of committed journalists and lawyers. While the action groups promote legal education through non-formal education classes, the journalists, through their investigation and publicity, can unearth atrocities... and violations of human rights against the weaker sections of society... The lawyers can provide a supportive structure for social movements, promote amicable settlements of disputes between parties outside the courts and, in case of necessity, help the victims of social injustice to obtain redress through legal action."89

According to Mathew, social action groups can initiate some of the following legal aid programmes: (1) socio-legal surveys to investigate specific human rights violations; (2) highlighting inadequacies in law making and implementation; (3) enforcing the rights of the poor through courts; (4) making the poor aware of their rights and of socio-economic legislation, and devising means to obtain their entitlements; (5) promoting a massive legal literacy programme and a political dialogue about human rights; (6) organising the poor and enabling them to co-operate with other groups to change law and society; (7) giving the legal aid movement a new thrust to make it a dynamic force for the transformation of society; and (8) training para-legal or barefoot lawyers to fulfill the above mentioned aims. In these ways, social action groups will enable the weaker sections to make a conscious use of the law to further their interests.90

^{89. &}quot;Legal Aid...". p. 37. According to the "Legal Education and Aid Society", lawyers are of immense help in fighting cases and. still more, in providing resources for legal education programmes. It is also useful to form lawyer cells (in "The Verdict" 1984 no 1, p. 12).

^{90.} ibid., pp. 26-7. The strategy of the "Vigil Groups", whose mem-

In fact, citizens' groups should be organised everywhere to defend people's rights. Such groups should consist of persons belonging to different communities and religions to better oppose communal tendencies. Speaking of the recent Delhi riots, T.A. Baig writes: "Citizen response has been the one clear light in the darkness... Citizens mobilised themselves into groups patrolling their localities, took out peace marches and gave comfort and shelter to their Sikh brethren. This wave of mutual concern is a phenomenon of major significance, as it may mean the beginning of a new era in which Indian citizens refuse to sit back... These committees...must now seriously consider a new role they can play." Citizens' grievances could be resolved if local communities take up their own problems and "work collectively to force the responsible organisations to do their work."91 Still more importantly, citizens' groups can struggle for the obtention of people's rights at different levels. If they adapt themselves to the genuine needs of India and open their membership to people of all religions on an equal footing, the basic Christian communities of Latin America can be of immense value in our country...

Professions

Various professionals can also make their specific contribution to the people's struggle for human rights. Let us first speak of judges and lawyers. In India, there is a "massive failure in distributive justice despite a large array of social-justice oriented legislations. The failure... is largely the result of a mechanical operation of an alien legal system with the same tools, techniques and approaches which obtained during the colonial era... The judiciary, acting within the framework of a non-socialist jurisprudence, administered a supposedly value-neutral law with a wooden faith in 'precedents' and an unconscious commitment to an inter-

bers come from all walks of life, "varies from fighting court cases to demonstrating in front of Government offices, organising rallies, public meetings, public protests, etc. to raise voice against injustice and corruption" ("Unyielding Hope", Vigil India Movement, Bangalore, p. 15). The movement thus sums up its aims: "A people's movement to strive for the furtherance of a truly democratic secular egalitarian and just society in India and to promote human values. In other words the movement struggles for HUMAN RIGHTS."

^{91. &}quot;Citizens Can Change the Scene", in IE, Nov. 17, 1984, p. 8.

pretative technology unsuited to the needs and demands of a radically different society." "The judiciary in a socialist society is part of the governmental machinery through which the people exercise their political power for social justice... Indian courts have to develop socialist approaches, tools and jurisprudence... The task of developing socialist jurisprudence for the making of an egalitarian society under the constitution is left largely to a small group of 'independent' judges and progressive lawyers who are quite often despised and misunderstood even by fellow lawyers and brother judges... Even in legal education, there is no concern shown to the social relevance of law subjects and the functional role of law in achieving a socialist, secular society. The whole system continues to function in the mould set by the Britishers." For example, PIL and legal aid programmes are hardly given any importance... Radical changes are required in the whole legal system and in legal education. Judges and lawyers must acquire a proper social philosophy and truly quest for distributive justice.92

Even in the present system, judges and lawyers must go beyond mere professionalism and become fully acquainted with the human rights problems of India. They must acquire a new vision of law and be wholeheartedly dedicated to its realisation. With this orientation, they can involve themselves in legal aid programmes, people's courts, entitlement schemes, training of paralegal personnel, PIL, etc., and put their professional competence at the disposal of various organisations and social action groups. Such involvements will further transform them and render them closer to the people and their problems. Some judges and lawyers may then decide to leave the narrow field of legal practice and become completely involved in broader people's struggles.

^{92.} P.N.M. Menon, "Delivery of Social Justice and Judicial Activism", in How", op. cit., pp. 25-6. Chatterjee is still more severe: "Thirty-five years of freedom have not generated a cadre of lawyers with dedication to any noble ideology and to the people. A large number of lawyers are glued to the exploiting classes, corrupt politicians, economic offenders and criminals. Pursuit of pure professionalism have made most of them the vendors of legal service... at a price, whatever may be the nature of the brief." The author describes the Chinese attempt to form a team of "sufficiently educated, conscious, trained and experienced" lawyers, motivated by the aim of building a socialist legal system (in "The Verdict" 1984 no 1, pp. 40-3).

Opinion-makers and mass media personnel—be they writers, poets, journalists, research scholars, university professors, teachers, clergymen, play-writers, film-makers, actors, singers, etc.— can also make an useful contribution by communicating a proper understanding of human rights. All these professions should indeed learn to serve the people and be their voice. As we have seen, social workers and activists can broaden and strengthen their own involvement by a greater human rights consciousness and collaboration with lawyers. It is moreover evident that administrative personnel can be very helpful in implementing legal and welfare measures. So far, the bureaucracy "has not developed an outlook that would enable it to carry out its functions to suit a democratic society aspiring for a socialist goal."93

Properly reoriented and reorganised, the police can also play a key role in the promotion of human rights, "The police is generally regarded by people as the inefficient, irresponsible, and callous agent of the ruling elites and other... sections of Indian society." The colonial and post-independence rulers have indeed made it perform mainly three negative functions: "enforcing law, maintaining order, and checkmating political demonstrations and upheavals against political rulers". The police has to defend unpopular policies—even the emergency! and to control people's protests. India is facing a serious crisis and the police becomes a scapegoat: "What can the police do in such a situation except to help the emerging authoritarianism...? What can we really expect from our ill-recruited, ill-trained, over-worked, inadequate, negatively employed, servile, apathetic and defamed police force required to undertake the herculean task of managing so formidable social tensions and conflicts in every sphere of life in a highly uncongenial environment which does not permit it any decentralised autonomy, proper service conditions and grievance-redressal mechanisms?"94

Human rights activists are rightly concerned with protecting citizens from police excesses. They thus suggest various legislative reforms and some committees to investigate complaints against the police. 95 But this is far from enough. The role, values, sub-

^{93.} Report of a consultation, in RS 1973 no 1, p. 76.

^{94.} R.S. Yadava. "In Defence of Indian Police", in "The Radical Humanist" 1983 no 2, pp. 16-9.

^{95.} On this, see above, p. 107 and A.G. Noorani, in EPW 1983, p. 255.

culture, recruitment and training of the police must be deeply reformed. Their own rights—and independence from political or administrative interference—must be ensured, and their complaints listened to. The police must become a people's police, acting for the good of society—especially for that of the poorest and weakest—, on behalf of the community as a whole, and with the community's fullest support and approval. Police officers and ordinary policemen must become "the guardians of law and order the protectors of the weak, and the helpers of the needy against both the anti-social offenders in the society at large and the petty men in superior seats of authority and power." They must become more and more conscious of their human rights responsibilities, and motivated and organised to fulfill them.96

Homogeneous and mixed professional groups must be formed to work in our villages and neighbourhoods and in the society at large. For it is not only individually but also collectively that professionals must promote people's rights. It is moreover necessary to organise core-groups within each profession to awaken the whole profession to human rights issues in general and to its specific contribution. Each profession has indeed to be transformed from within to efficiently serve the cause of human rights and socialism.

Individuals

What can individuals do to promote human rights? As a pre-requisite to any action, one must develop a proper understanding of human rights issues. Once conscientised, a person can play a conscientising role within his own profession and in society at

^{96.} For this paragraph, see Yadava (op. cit.. pp. 16, 17 & 23) and "The Police" ("Seminar" no 218 (1977), especially pp. 26-7). This issue of "Seminar" contains an useful bibliography and makes several proposals for police reforms. Melville Lee also wrote: "The Police is the primary constitutional force for the protection of the individuals in the enjoyment of their legal rights, designed to stand between the powerful and the weak, to prevent oppression, disaster and crime, and to represent the cause of law and order at all times and in all places. In every court and alley, the policeman stands for good citizenship. He is a reality to comprehend and upon his impartiality, efficiency and intelligence depends the estimation in which law is held by the masses."

large. Another step consists in occasional gestures of support for human rights: preparing a newspaper article, writing letters against specific abuses,97 contributing to the organisation of a Human Rights day/week/event/campaign to create public awareness, taking part in a particular demonstration or protest march, being a resource person at a legal aid session, etc. A further step consists in becoming a member of a human rights organisation, social action group, citizens' committee or professional group. Some individuals may even become full-time activists...

Conclusion

The previous pages have described many possibilities of relevant action. These possibilities are real and worth using. Yet, one should be realistic. The socio-economic crisis is sharpening and the State and elite classes are becoming more and more repressive. C.T. Kurien therefore writes that, in today's context, "the prospects are not particularly bright... either for economic development or for social justice."98 The struggle for human rights is indeed affected by the whole evolution of society. In this period of transition, India is still freeing herself from many feudalistic remnants and the pressure of traditional society and values hinders the effective promotion of human rights. In the present historical situation. it is imperative that various movements come forward to ensure the implementation of the Indian Constitution. which represents a definite progress over past society. The combat for human rights is moreover situated in the broad context of the struggle for socialism and it involves many tensions and conflicts, which are never fully solved. Rather than being discouraged at the first obstacles or setbacks, one should therefore struggle with realism and perseverance.

We would like to end with two quotations. Today's authoritarian and oppressive "trend can be reversed only by mobilising the common people in defence of liberty... Ultimately, the future of human rights in this country is tied to their being championed

^{97.} Such letters can be useful, especially as part of a well-organised movement. For details, see "Guide for Letter Writers", AI, South Asia Publications Service, Colombo.

^{98.} in RS 1981 no 2, p. 45.

by the common people."99 The contributions of various organisations, action groups, professions and individuals assume their full significance only in the context of an overall people's struggle for human rights. The second quotation is from the UN Charter: "We the Peoples of the UN determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small..." (Preamble). We hope that this essay has created greater awareness about human rights and deepened this faith... Still more importantly, may it inspire enlightened and committed action!

^{99.} Editorial, "Samata Era", 1982 no 1, p. 1.

APPENDICES

1. The Church and Action Groups*

One of the most effective means to bring about and to support people's movements is to encourage grassroot action groups which have emerged in recent years. These groups have tried to experiment and practise the vision of a Christian community; they are open communities dialoguing and collaborating with people of all religions and ideologies; they try to be radically christian and rooted in the soil; they are pilgrim in character. Many of these communities are engaged in integral action upholding and promoting Gospel values like justice, fellowship and freedom. Through their analysis of society they identify issues and their causes, clarify values and goals, plan long-term and short-term strategies.

Their prophetic actions often misunderstood solicit the disfavour and not seldom the harassment of religious and secular authorities. They have to suffer for their prophetic stand. Although they are not prepared to submit to these authorities and even fight them, they feel rejected and marginalised. Hence they are inclined to sever their bonds with the official Church. Many have already done so because they experience that their association with the Church often obstructs the pursuit of the real Gospel priorities.

If the Church is really serious about her option for the poor she should really stand by these small ecclesial groups and foster their multiplication. For they may be some of the real and most effective agents to bring about the new society. The Church authorities should leave them free to evolve methods of prayer and liturgical celebration that reflect and deepen their spirituality instead of suspecting them of communism and secularism. They should give them spiritual animators who can really identify themselves with them. They can identify these groups, inter-relate them.

^{*} Extract from the "Final Statement" of the Research Seminar on "The Indian Church in the Struggle for a New Society", NBCLC. Bangalore, 1981, pp. 38-9; statement's emphasis.

initiate a dialogue. offer leadership and give support. without restricting their freedom and initiative.

These groups, in their turn should continue to play their catalyst role and bring the whole Church to a new awareness of her mission: the struggle for a new society. They should also resist the temptation of giving up the dialogue with the institutional Church, Christians of different persuasions, believers of other religions and those adhering to secular ideologies. It is important that there be an atmosphere of freedom in which dialogue can take place, both sides can express themselves and think of new ministries and experiments.

2. The Church and Human Rights*

The Church has long remained prisoner of the socio-economic/political structures and thought-patterns of the middle ages. Today's Church clearly recognises her past failures: "The Church's attitude towards human rights during the last two centuries too frequently has been characterized by hesitations, objections, reservations and, on occasion, even vehement reaction... to any declaration of human rights made from the standpoint of liberalism and laicism... Stimulated by the rapid advance of modern culture, the Church... has adopted an attitude which is positive and encouraging... and now supports and even reinforces the historical process." Church documents fall in line with the UN declaration and covenants. They describe at length various civil, political, economic, social and cultural rights and give adequate attention to socio-economic rights. "Peace on Earth" (1963) for example includes "food, clothing, shelter, rest, medical care, and the necessary social services" in its right to life and a worthy manner of living. The 1975 Nairobi Assembly similarly states: "No rights are possible without the basic guarantees for life, including the right to work, to adequate food, to guaranteed health care, to decent housing, and to education for the full development of the human potential."

In their frequent reflections on human rights. Church do-

^{*} John Desrochers, "The Social Teaching of the Church", Bangalore, 1982, especially pp. 271-2, 126, 544-5, 673-4, 148-9, 601-2 & 689. For details, see the word "human rights" in the index... The author quotes several important Catholic and Protestant declarations.

cuments moreover welcome the modern growth of awareness in this field, link this question with structural changes and peace in society, and emphasise the Church's mission to defend human rights. "Modern man is on the road to ... a growing discovery and vindication of his own rights... By virtue of the gospel committed to her, the Church proclaims the rights of man. She acknowledges and greatly esteems the dynamic movements of today by which these rights are everywhere fostered." "To work for rights... also means to work at the most basic level towards a society without unjust structures." "Human rights are as basic to the gospel as the command to love our neighbour as ourselves, and as deep a part of our tradition as the Exodus..." "The struggle of Christians for human rights is a fundamental response to Jesus Christ." "In the struggle for peace and justice. the Church must bear witness... It must speak out where no one else dares to..." The Catholic bishops of Asia therefore pledge: "We resolve to uphold and promote the realization of human rights and defend them wherever, whenever and by whomever they are violated." And the 1977 Assembly of the Christian Conference of Asia proclaims that it should "give priority to human rights in its programmes". Though she has not yet fully adopted an "overall societal transformation" (and socialist) approach in her ministry, today's Church undoubtedly stands for both socioeconomic/cultural and civil/political rights. And she courageously speaks for them.

3. Human Rights Roots: Some Questions*

- 1. What are the basic values in your culture/religion which support respect for human rights?
- 2. What is the historical tradition of respect for human rights in your culture/religion? Were any important religious or secular figures persecuted or jailed for human rights?
- 3. In what ways does your culture/religion encourage freedom of expression, conscience and religion?
- 4. Does your culture/religion oppose torture and/or the death penalty?

^{*} Reworked from Amnesty International internal newsletter, July 20. 1977. Answers can be profitably shared by members of different cultures and religions.

5. What has your culture/religion to say about poverty, inequalities and socio-economic/political injustices?

4. Classes of Human Rights*

Human rights can be classified into civil, political, economic, social and cultural rights. Civil rights are usually called civil liberties.

Civil Liberties. 1) The main civil liberties are freedom of expression, freedom of association, freedom of assembly, right to the rule of law, and equality before the law. 2) The rule of law implies: a) that everybody, including the highest executive authority, will be subject to law; b) that there will be no exercise of arbitrary power; c) that nobody will be deprived of liberty or property without the authority of law; and d) that any law which restricts the enjoyment of liberty or property must be fair, just and reasonable. 3) Equality before the law implies absence of discrimination. It requires that any distinction made by law must have a rational justification. 4) Freedom of the press is a corollary of freedom of expression. 5) Independence of the Judiciary is a corollary of the rule of law.

Political Rights. The main political rights, other than civil liberties, are the right to vote, the right to free and fair elections, the right to participate in the functioning of the state, the right to decentralisation of power, the right to a corruption free government, and the right of recall and referendum...

Economic Rights.** The main economic rights are:

1) Rights relating to employment—right to gainful employment, right to fair wages, right to human conditions of work, right to equal pay for equal work, (particularly between men and women) and the right to industrial democracy (workers' participation in management). 2) Right to economic equality, i.e. equality of opportunity and reduction of economic disparities.

3) Right to property, subject to reasonable restrictions in the public interest. 4) Freedom of enterprise, subject to reasonable restriction in the public interest.

Social Rights. Social rights are rights to social equality and

^{*} Tarkunde, "Human Rights". pp. 6-7. **One should add, among other things, the right to life and a worthy manner of living (cf. appendix 2).

against social discrimination and oppression. Social oppression arises from harmful traditions (untouchability, caste hierarchy, inferior status of women), religious intolerance (oppression of religious minorities), or priestly dominance (social boycott of Bohra reformists and Nirankaries).

Cultural rights.* The main cultural rights are the right to education and freedom of conscience (religious freedom). Freedom of conscience includes the freedom to believe, the freedom not to believe and the freedom to practise and propagate one's belief or disbelief.

5. What Can Law Do?**

The instrument of law was seen not as one that could be used for changing/abolishing existing class relations— but as an instrument for gaining the maximum from the existing legal system and to keep away and contain the forces of oppression, so that people are strengthened in their struggle.

Legal aid has to be perceived not as charity by the state but as the fundamental right of the people. It could be and ought to be used to support the people to resist individually and through institutions, the arbitrariness and abuse of State power... A specific need was felt to evolve special legal strategies to deal with the increasing violence against women both within and outside the family and to deal with the discrimination women face in every walk of life.

PIL which has increasingly emerged as a part of judicial activism, can be an instrument in enforcing the fundamental rights of the weaker sections. The success of PIL as a movement largely depends on how lawyers are able to force the lower rungs of the judiciary to respond to PIL involving the common every day issues of the poor. PIL has to have close links with social activists supporting the struggle of the people and not as an attempt to replace it by mere legal action.

Since the vested interests are constantly exploiting the igno-

^{*} One should speak here of the rights to military conscientious objection, dissent and privacy.

^{**} Extracts from "Law as an Instrument of Social Change", Statement, given in "The Verdict" 1984 no 4, pp. 44-6.

rance and illiteracy of the people, it is necessary to build up legal awareness and provide information to help them to resist such exploitation and state violence. Legal literacy can thus help to generate power and confidence within the suffering masses to organise themselves more effectively...

The necessity was felt to establish teams of lawyers at every conceivable grassroots level—for strengthening the movement. The participants of the conference unanimously felt the need to give a call to like-minded individuals—lawyers and otherwise, social action groups, and other democratic forces to join this long march to strengthen the unceasing struggle of the people.

6. To Hunger and Thirst for Justice*

I have never been this hungry How long can men live withbefore out justice?

pain burning my guts, searing my Can we ask them to wait again back...

To starve for justice to ache for it, like food, frantic for life itself.

How long can men live without eating two weeks or more, they say. But would such be living?

Too weak to rise from sleep to read bible and newspaper to write with meaning and beauty to share and master the earth

to sing in the sun?

While we ponderously weigh issues

which are complex, we say. and take time

which cannot be rushed because we fear to be one-

sided et cetera?

Blessed are those who hunger and thirst after justice for they shall be satisfied. But when, Oh Lord, and how?

^{*} Edicio de la Torre. Philippines, given in "Convergence" 1976 no 4. p. 34.

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THINK IT OVER

* "God speaks to us today in the demands of our fellowmen for bread, health, education, work—in short, for human dignity and justice."

Catholic Bishops' Conference of India, 1971

* "Since human rights and fundamental freedoms are indivisible, the full realisation of civil and political rights without the enjoyment of economic, social and cultural rights is impossible." "FREEDOM AND BREAD are integral to each other. If we lose one, we will distort all."

Teheran International Human Rights Conference & Statement by Indian Christians

* "Local congregations and their national churches should seek ways to support the struggles of peoples, groups and individuals for their own legitimate rights, helping them to form networks of solidarity to strengthen one another in their struggles."

The Nairobi Assembly

* "I detest your ideas but am ready to die for your right to express them." "Laws are like spiders' webs: they hold the weak and delicate who are caught in their meshes, but are torn in pieces by the rich and powerful."

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